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Substantial Issue:	Oct. 12, 2000
Staff:	JAS-SF
Staff Report:	Mar. 23, 2001
Hearing Date:	Apr. 12, 2001
Commission Action:	

APPEAL STAFF REPORT

DE NOVO REVIEW

APPEAL NO.:	**A-2-SMC-00-028**
APPLICANT:	**Steve Blank**
AGENT:	**John Wade**
LOCAL GOVERNMENT:	**San Mateo County**
LOCAL DECISION:	Approval with Conditions
PROJECT LOCATION:	4100 Cabrillo Highway, Pescadero, San Mateo County, APN 089-221-090
PROJECT DESCRIPTION:	Construction of a three-story 15,780-square-foot, 31-foot-high single-family residence (6,000-square feet underground) with outlying bedrooms and underground tunnels; a swimming pool; a 2,500-square-foot, 21-foot-high equipment barn; a 3,040-square-foot, 31-foot-high horse stable; and a 1,250-square-foot, 24-foot-high farm labor housing unit on a 261-acre parcel.
APPELLANTS:	Commissioners Sara Wan and Dave Potter, California Coastal Commission
SUBSTANTIVE FILE DOCUMENTS:	See Appendix A
STAFF RECOMMENDATION:	Substantial Issue, Approval with Conditions

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EXECUTIVE SUMMARY

Prior Commission Action

On October 12, 2000 the Commission found that the appeals submitted of the local government's action on this proposed project raised a substantial issue with respect to the grounds on which they were filed. The Commission continued the de novo hearing to a future meeting to allow staff additional time to further address, in particular, sensitive habitat issues and to prepare a recommendation for Commission action on the appeal. This staff report represents the staff's recommendation to the Commission for action on the proposed Blank project. The standard of review for the proposed project is the San Mateo County Local Coastal Program.

Summary of Staff Recommendation

The staff recommends that the Commission approve the coastal development permit for the proposed project with conditions. The recommended conditions would change the proposed project to eliminate its visibility from Highway 1, Año Nuevo State Reserve, and other public places, and would allow the project to comply with the sensitive habitat, visual resources, and agricultural policies of the LCP.

The Motion to adopt the Staff Recommendation of Approval is found in Section 1.0.

1.0 STAFF RECOMMENDATION

The staff recommends conditional approval of Coastal Development Permit Application Number A-2-SMC-00-028.

Motion

I move that the Commission approve Coastal Development Permit Application No. A-2-SMC-00-028 pursuant to the staff recommendation.

Staff Recommendation of Approval

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the certified San Mateo County LCP. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

1.1 Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent,

acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

1.2 Special Conditions

Staff Note

All previous conditions of approval imposed on the project by the San Mateo County pursuant to an authority other than the California Coastal Act remain in effect (San Mateo County File Number PLN 1999-00960; see Exhibit 1). To the extent such San Mateo County conditions conflict with the Coastal Commission's conditions for Coastal Development Permit Number A-2-SMC-00-028, the applicant will be responsible for obtaining permit amendments to resolve any such conflicts.

1. **Future Development Deed Restriction**

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, subject to the review and approval of the Executive Director, stating that the permit is only for the development herein described in the coastal development permit and that on APN 089-221-090 any future additions or other development, as defined in San Mateo County Zoning Code Section 6328.3(h), including construction of fences, gates, additions, or outbuildings, that might otherwise be exempt under Zoning Code Section 6328.5, will require an amendment to this permit or will require an additional coastal development permit from San Mateo County.

The deed restriction shall include a legal description of the applicant's entire parcel. This document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Submittal of Revised Plans**

Prior to issuance of the coastal development permit, the applicant shall submit, for the Executive Director's review and approval, revised plans that incorporate the following specifications.

A. Structures. The horse barn, equipment barn, and replacement farm labor housing unit shall be clustered in the valley to the south of the proposed residence site as shown on Figures 22 and 23. The existing farm labor housing unit may be repaired, remodeled, or renovated in its existing location, without a CDP if consistent with Section 30610 of the Coastal Act, Section 13252 of Title 14, Section 13252 of the California Code of Regulations, and Section 6328.5 of the zoning code.

Structural Height. No structures shall be visible from public viewpoints, such as Año Nuevo State Reserve, or scenic roads, such as Highway 1. The main residence, including the chimney, and all other structures shall be sited and designed so that no portion of any structure is visible from public viewpoints or scenic roads. The revised plans shall be submitted with evidence, such as photo simulations, representative staking, or architectural renderings, that the structures will not be visible from any public viewpoints or scenic roads.

After construction is completed, the applicant shall submit photographs taken from the same four view corridor locations as shown on Figure 6, and listed below:

- View corridor 1: Cascade Ranch Drive at Highway 1, 3,200 feet from site.
- View corridor 2: Cascade Ranch Trail, 0.9 miles from site.
- View corridor 3: Cascade Trail at Coast, 1.25 miles from site.
- View corridor 4: Año Nuevo dunes, 2.2 miles from site.

The photographs should be taken using an 85 mm lens and a 460 mm lens.

B. Driveway. Access to the main residence, horse barn, equipment barn, and replacement farm labor housing unit shall be via an access road located along the same alignment as the existing emergency access road to the main residence as shown on Figure 5. All road surfaces shall be colored to blend in with the grassland. The driveway shall be no wider than 12 feet.

C. Berms. The revised plans shall include construction of two berms designed to screen 100 percent of the main residence from Highway 1, the Cascade Trail, and Año Nuevo, and shall be designed to appear part of the existing topography. Two options are possible for the berms: 1) seven to 12 feet high and vegetated with at minimum of five feet of native scrub, such as coyote brush, or 2) 12 to 17 feet high vegetated with native grass or forb species. The berms shall be in the locations shown on Figure 5. The first berm (Berm 1) will include a 20-foot by 60-foot earth-covered storage area to reduce the amount of fill necessary. To reduce the fill in the second berm (Berm 4), three 20,000 gallon water tanks will be placed inside it.

D. Landscaping. The landscaping plan shall be prepared by a qualified professional with expertise in the field of landscaping with native plants, such as a landscape architect. The plan shall demonstrate the following:

A. All vegetation planted on the site shall consist of native, drought-tolerant plants, except for those used in creation of the enhancement pond. The plan shall specify plant species and mature heights of all trees and shrubs.

B. The location of all existing trees and shrubs on the property that will serve as landscape screening for the proposed structures. Except as provided for in the approved landscaping plan, and any vegetation that must be removed for fire safety as required by the

California Department of Forestry and Fire Protection, no existing vegetation on the site outside the building envelope or driveway shall be removed. Any existing trees or vegetation providing screening, which do not survive must be replaced on a one-to-one or higher ratio for the life of the project. Any future removal of trees shall require a new coastal permit or an amendment to Coastal Permit No. A-2-SMC-00-028.

E. Revised plans shall show where water and septic lines will be located.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Exterior Materials and Lighting Deed Restriction**

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, subject to the review and approval of the Executive Director, stating that all exterior material and lighting for the life of the project shall be as unobtrusive as possible. Exterior materials, including roofs and windows, shall be non-reflective to minimize glare. Exterior lighting shall be unobtrusive, and limited to the minimum necessary for safety, shall be low wattage, non-reflective, shielded, and have a directional cast downward. All lighting, exterior and interior, must be placed, designed and shielded so that only the intended area is illuminated and off-site glare is fully controlled. Screening, fixture selection, and placement shall be such that no fixed direct light sources will be noticed by motorists on Highway 1.

The deed restriction shall include a legal description of the applicant's entire parcel. This document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Sensitive Habitat**

A. The temporary placement of the caretaker's trailer adjacent to the riparian vegetation along the unnamed drainage in Deluca Valley is authorized only until the residence is constructed.

B. Grading and construction shall be conducted between August 1 and November 1 to minimize potential impacts to San Francisco garter snakes and red-legged frogs.

C. No grading or construction activities shall occur within 650 feet of nesting loggerhead shrikes or raptors. If grading or construction takes place between March 1 and September 30, a qualified biologist shall survey: (1) the coastal scrub habitat within 0.25 miles of each work area to determine if loggerhead shrikes or northern harriers are nesting in the scrub habitat and; (2) the mixed evergreen forest and oak woodland habitats within 0.25 miles of each work area to determine if other special status raptor species (e.g. Coopers hawk, sharp-shinned hawk) are nesting there. The surveys shall be conducted within 30 days prior to grading or construction and shall be submitted for review and approval of the Executive

Director. If active nests are found, no grading or construction work shall occur until all young have fledged.

D. A qualified biologist shall conduct pre-construction surveys for the California red-legged frogs and San Francisco garter snakes at least two days prior to the beginning of site grading work. This survey shall be submitted to the Executive Director for review and approval prior to any grading work. If frogs or snakes are present in the work areas, construction work shall be postponed until they leave the area.

E. A qualified biological monitor experienced with, at a minimum, San Francisco garter snake and California red-legged frog shall be present at the site during all grading and construction activities. The biological monitor shall complete daily monitoring reports that indicate the date and time of work, weather conditions, the monitoring biologist's name, project activity/progress, and any sensitive species observed. These reports shall be compiled and submitted to the Executive Director upon completion of construction as part of a construction monitoring report.

F. Prior to construction at all sites, place a barrier fence (e.g. silt fence) around grasslands in the construction areas to prevent pond turtles from entering the construction work areas to nest. The fence shall be in place throughout the pond turtle nesting season (May-August). If the fence is placed after March 1, a qualified biologist shall conduct preconstruction surveys for pond turtles within 30 days prior to grading or construction and shall be submitted for review and approval of the Executive Director. If active nests are found, no grading or construction work shall occur until all hatchlings have left the nests. The bottom six inches of the fence should be buried in a shallow trench to prevent pond turtles from going under the fence.

5. **Grazing Plan**

A. ***Prior to issuance of the coastal development permit***, the applicant shall submit a grazing plan showing where pastures are located, how horses would be rotated on a yearly and/or seasonal basis, and how the horse pasturing would be used to restore the native grasslands. A plan map shall indicate where pasture fencing will be located. No more than six horses shall be kept or allowed on the property at any one time. No grazing shall occur within 300 feet of any riparian corridor or wetland. Fencing shall be installed to prevent horses from entering sensitive habitat.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. **Concrete Patio**

The concrete patio adjacent to Potato Patch Reservoir shall be buried to a depth of at least two feet and revegetated with native species represented in the adjacent riparian area within 90 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause.

7. **Enhancement Pond**

Prior to construction of the enhancement pond, the applicant shall submit a plan approved by USFWS and CDFG. The plan shall include maintenance and monitoring provisions.

8. **Construction Period Erosion Control Plan**

A. Erosion Control Plan

Prior to issuance of the coastal development permit, the applicants shall provide, for the review and approval of the Executive Director, an Erosion Control Plan to reduce erosion and retain sediment on-site during construction. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. The Erosion Control Plan shall incorporate the Best Management Practices (BMPs) specified below.

(1) Erosion & Sediment Source Control

(a) Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. Land clearing activities should only commence after the minimization and capture elements are in place.

(b) Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).

(c) Minimize the area of bare soil exposed at one time (phased grading).

(d) Clear only areas essential for construction.

(e) Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods such as seeding with native or non-invasive species. Vegetative erosion control shall be established within two weeks of seeding/planting.

(f) Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.

(g) Control wind-born dust through site watering and/or the installation of wind barriers such as hay bales. Site watering shall be monitored to prevent runoff.

(h) Place stockpiled soil and/or other construction-related material a minimum of 200 feet from any drainages. Stockpiled soils shall be covered with tarps at all times of the year.

(i) Excess fill shall not be disposed of in the Coastal Zone unless authorized through either an amendment to this coastal development permit or a new coastal development permit.

(2) Runoff Control and Conveyance

(a) Intercept runoff above disturbed slopes and convey it to a permanent channel by using earth dikes, perimeter dikes or swales, or diversions.

(b) Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.

(3) Sediment-capturing Devices

(a) Install stormdrain inlet protection that traps sediment before it enters the storm sewer system. This barrier could consist of filter fabric, straw bales, gravel, or sand bags.

(b) Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50 percent full (by volume).

(c) Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences should be inspected regularly and sediment removed when it reaches one-third the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.

(4) Chemical Control

(a) Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.

(b) Establish fuel and vehicle maintenance staging areas located at least 100 feet from all drainage courses, and design these areas to control runoff.

(c) Develop and implement spill prevention and control measures.

(d) Provide sanitary facilities for construction workers.

(e) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Washout from concrete trucks should be disposed of at a location not subject to runoff and more than 100 feet away from a drainage course, open ditch, or surface water.

(f) Provide adequate disposal facilities for solid waste, including excess asphalt, produced during construction.

(g) Develop and implement nutrient management measures. Properly time applications, and work fertilizers and liming materials into the soil to depths of four to six inches. Reduce the amount of nutrients applied by conducting soil tests to determine site nutrient needs.

B. Erosion Control Monitoring and Maintenance

(1) Throughout the construction period, the applicants shall conduct regular inspections of the condition and operational status of all structural BMPs provided in satisfaction of the approved Erosion Control Plan. Major observations to be made during inspections shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed.

(2) Authorized representatives of the Coastal Commission and/or San Mateo County shall be allowed property entry as needed to conduct on-site inspections throughout the construction period.

(3) Sediment traps/basins shall be cleaned out at any time when 50 percent full (by volume).

(4) Sediment shall be removed from silt fences at any time when it reaches one-third the fence height.

(5) All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.

C. The applicants shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan.

D. The permittee shall undertake development in accordance with the final Erosion Control Plan approved by the Executive Director. No proposed changes to the approved final Erosion Control Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. **Post-Construction Stormwater Pollution Prevention Plan.**

A. Stormwater Pollution Prevention Plan

Prior to issuance of the coastal development permit, the applicants shall submit to the Executive Director for review and written approval, a Stormwater Pollution Prevention Plan with final drainage and runoff control measures, including supporting calculations. The plan shall demonstrate that runoff from the project shall be prevented from entering the unnamed drainage in Deluca Valley or any other riparian or wetland area. The plan shall detail specific measures to reduce runoff such as vegetative buffers, grassy swales, and pop-up drainage emitters. For the life of the project, runoff from all roofs, decks, and other impervious surfaces and slopes on the site shall be collected and discharged to avoid ponding or erosion either on or off the site. Splashguards shall be installed at the base of all downspouts. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site after completion of construction. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. The plan shall incorporate structural, flow-based, post-construction BMPs (or suites of BMPs) designed to treat or filter stormwater runoff from the project site for each storm event, up to and including the 85th percentile, 1-hour storm event, with an appropriate safety factor, prior to the runoff's entry into any stormwater conveyance systems or surface water bodies and shall assure that runoff will be conveyed offsite in a non-erosive manner.

The permittee shall undertake development in accordance with the final Stormwater Pollution Prevention Plan approved by the Executive Director. No proposed changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

The stormwater pollution prevention plan shall incorporate the BMPs described below:

(1) Landscaping and Irrigation

(a) Native, drought-tolerant vegetation shall be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.

(b) Throughout the project site, where irrigation is necessary, the system must be designed with efficient technology. At a minimum, all irrigation systems shall have flow sensors and master valves installed on the mainline pipe to ensure system shutdown in the case of pipe breakage. Irrigation master systems shall have an automatic irrigation controller to ensure efficient water distribution. Automatic irrigation controllers shall be easily adjustable so that site watering will be appropriate for daily site weather conditions. Automatic irrigation controllers shall have rain shutoff devices in order to prevent unnecessary operation on rainy days.

B. Stormwater Pollution Prevention Maintenance and Monitoring

(1) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following:

(a) All structural BMPs shall be inspected prior to the start of the wet season (no later than October 15th), after the first storm of the wet season, and monthly thereafter until April 30th.

(b) All BMP traps/separators and/or filters shall be cleaned prior to the onset of the wet season and no later than October 15th each year. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.

(c) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicants or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and BMPs and restoration of the eroded area. If repairs or restoration are necessary, prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

(2) The permittees shall conduct an annual inspection of the condition and operational status of all structural BMPs provided in satisfaction of the approved stormwater pollution prevention plan. The results of each annual inspection shall be reported to the Executive Director in writing by no later than June 30th of each year following the completion of construction for three years. Major observations to be made during inspections and reported shall include: locations of discharges of sediment or other pollutants from the site, BMPs that are in need of maintenance, BMPs that are not performing, failing to operate, or inadequate, and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the San Mateo County shall be allowed property entry as needed to conduct on-site inspections of the detention basin and other structural BMPs.

(3) Non-routine maintenance activities that are expensive but infrequent shall be performed as needed based on the results of the monitoring inspections described above.

10. **<u>Drainage and Manure Management Plan</u>**

A. ***Prior to issuance of the coastal development permit***, the applicant shall submit a drainage and manure management plan for the proposed stable, detailing specific measures to prevent runoff from the horse stall, outdoor arena, and manure storage areas

for review and approval by the Executive Director. The drainage plan shall demonstrate that the surface area of all corrals and paddocks are well drained to prevent the accumulation of storm or casual waters. Waste liquids, including manure, wash water, and surface runoff from manured areas, must be diverted to retention facilities and effectively contained for later removal. Storage/retention facilities for waste liquids must be sized to provide a minimum of two feet freeboard beyond containing facility wastewater and runoff generated by the 25-year, 24-hour frequency storm. The manure management plan shall indicate daily cleaning and periodic spraying of stable and corral areas, thorough cleaning of corrals no less than once a week, storage of manure in a fly tight, metal or reinforced concrete manure bin, and the proper disposal of collected manure.

B. The permittee shall undertake development in accordance with the approved final drainage and manure management plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

11. **Grading**

A. ***Prior to issuance of the coastal development permit***, the applicant shall submit a final proposed grading plan for review and approval by the Executive Director. Said plan shall conform to the requirements of the San Mateo County Grading Ordinance, and shall incorporate the recommendations to protect special status species under Special Conditions 2 and 4, above.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

12. **Helicopter or Other Aircraft Deed Restriction**

A. ***Prior to issuance of the coastal development permit***, the applicant shall execute and record a deed restriction, subject to the review and approval of the Executive Director, and consistent with the applicant's amended project description (Exhibit 2), that states that there will be no use of helicopters or other aircraft on the property for the life of the development approved by the coastal development permit.

B. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to the coastal development permit unless the Executive Director determines that no amendment is legally required.

13. **Condition Compliance**

Within 90 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

2.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

2.1 Project Location and Site Description

The project approved by the County is located inland of State Highway Route 1 (Cabrillo Highway), about six miles south of Pescadero, in the unincorporated portion of San Mateo County, California (Figure 1). State Park lands surround the property on the east, north, and west, and State Coastal Conservancy lands are on the south side. The proposed building site of the residence is approximately three miles from Año Nuevo Point and 2,400 feet from the closest portion of Highway 1 (Figure 2). The southern portion of the property is within the Highway 1 State Scenic Corridor, as designated in the San Mateo General Plan, with the building site of the residence just outside the boundary and all other structures well outside the boundary. The 261-acre property, known as K& S Ranch, is an irregular diamond shape, roughly one mile long by a half mile wide. Existing uses on the property include a farm labor housing unit, caretaker's trailer, dirt/gravel roads, agricultural fields, and undeveloped land (Biotic Resources Group 2000). None of the existing buildings are visible from Highway 1 or Año Nuevo State Reserve.

The property is part of the Cascade Valley Ranch. A Natural Resource and Agricultural Conservation Easement, held by the State Coastal Conservancy (SCC), applies to the Cascade Valley Ranch, and therefore the K & S Ranch (SCC 1999). The purpose of the easement is to "protect the property's natural habitat, natural resources, and scenic values, and to conserve the property's open space character for agricultural use." The easement allows "limited residential use" as well as habitat preservation, agriculture, and ranching. The staff of the SCC has determined that the proposed project is consistent with the terms of the easement (Exhibit XXX).

The property is designated in the County's LUP as Agriculture and is zoned Planned Agricultural District/Coastal Development District (PAD/CD). The proposed single-family dwelling complies with the PAD zoning of the lands within the coastal zone, which allows one density credit or one residential unit on the property. The proposed development conforms to the height limits and setback requirements for the PAD zoning district. A single-family residence is allowable within the PAD with the issuance of a Planned Agricultural Permit. The County determined that the project conforms to the substantive criteria for issuance of a PAD permit and the county's stable regulations (Section 6358.0 and 6359.0 PAD/CD of San Mateo County's Zoning Regulations and Section 7700 of the Stable Ordinance). Conformance with the PAD criteria and associated LUP policies is discussed in detail in Section 2.5.3 of this staff report. The substantive criteria address protection of agricultural uses on land in the PAD. The criteria include minimizing encroachment on land suitable for agricultural use, clustering development, availability of water supply, preventing or minimizing division or conversion of agricultural

land, and retention of agricultural land within public recreation facilities. The stable regulations address building code requirements, maintenance of stables, and drainage plans.

The property consists of two flat to gently sloping elevated marine terraces cut by local streams. The broad lower terrace, with an elevation of 40 to 120 feet extends one mile west from the property to the ocean. This terrace includes Highway 1, farmland and parkland. The eastern edge of the lower terrace forms the western edge of the K and S Ranch. The upper terrace, with an elevation of 255 to 320 feet is deeply cut by local streams coming out of the Santa Cruz Mountains. The upper terrace is about 1/4 mile wide and ends in the steep slopes of the Santa Cruz Mountains, rising up to over 1,500 feet immediately behind the ranch.

The elevation of the parcel ranges from approximately 110 feet above mean sea level (msl) along the southernmost portion of the property near Highway 1 and 380 feet above msl in the northern and western portions of the site. The proposed residential building site is on a flat terrace at approximately 300 feet above msl. The slopes below the proposed residence range from 23 to 40 percent (Zinn Geology 1999).

The parcel is within the central region of the Coast Ranges Geomorphic Province, and is underlain by marine and continental sedimentary rock units that have been deposited, folded, faulted, and uplifted to form the Santa Cruz Mountains (Romig Consulting Engineers 1999). Exhibit 6 presents the regional quaternary geology of the site. The property is within a state Earthquake Fault Zone (California Division of Mines and Geology 1982, as cited in Zinn Geology 1999). The active San Gregorio Fault lies along the break between the upper terrace and the mountains, approximately 300 to 500 feet northeast of the proposed residential development (Zinn Geology 1999). The parcel is within an active seismic area and may be subject to strong ground shaking. Landslide scars are found along the northern and eastern property boundaries. Although none of the proposed development is on a landslide deposit, surficial creep instabilities may affect the site, including shallow debris flows and slope creep, particularly near the auxiliary bedrooms (attached by tunnels) (Zinn Geology 1999 and 2000a).

Soils at the site are primarily Lobitos loam in the northern portion of the property, Tierra loam in the southern portion, Santa Lucia loam in the southeastern portion, Lockwood loam soils along the drainages, and Colma loam in the steep portions of the southern-central portion of the property. The Lobitos loams range from slight erosion hazard to very high. The Santa Lucia soils pose moderate to very high erosion potential. The erosion hazard of the Lockwood soils is slight. The Colma loams have a high to very high erosion potential (US Department of Agriculture 1961). The Lockwood soils and a small adjacent area of Botella loam are Class II or Class III soils (capable of growing artichokes or brussel sprouts), which are considered prime agricultural soils.

The parcel includes diverse habitat types (Figure 3). The steep 100 to 160-foot high slopes between the lower and upper terrace are covered with approximately 25 acres of mixed evergreen forest on the north facing slopes, approximately 42 acres of coastal scrub, and three acres of oak woodland on the south facing slopes. The mixed evergreen forest is dominated by Douglas fir. Deluca Valley runs east through the center of the ranch and has about 26 acres of fallow agricultural fields. Along the unnamed creek is approximately eight acres of riparian

woodland dominated by willow (*Salix* sp.) and alder (*Alnus rubra*). At the east end of the valley is the 8.6-acre-foot "Potato Patch" reservoir, which was apparently used for stock watering. There are two areas of wet meadow, one at each end of the valley, totaling approximately seven acres. The flatter areas of the upper terrace are dominated by 168 acres of non-native grasses, particularly flax left over from farming during the 1930's and 40's. Eight acres of native grasses are found, mostly on the terrace northeast of the valley (Wade 2000a).

These habitats support many plant and wildlife species, including some special status species. No special status plant species were observed at the site. Special status wildlife species that occur in nearby habitat include California red-legged frog, a federally-listed threatened species; western pond turtle, a federal species of concern; and San Francisco garter snake, a federally- and state listed species. One California red-legged frog was observed in the man-made pond (Potato Patch Reservoir) on the eastern portion of the property (Wade 2000b). Loggerhead shrike and raptors, such as Cooper's hawk, and sharp-shinned hawk, may nest at the site, and are protected because they are California Special Concern species (Biotic Resources Group and Dana Bland & Associates 2000). Loggerhead shrike is also a Federal Species of Special Concern (CDFG 2001).

Records at the California Historical Resources Information Center at Sonoma State University indicate that the entire parcel was previously studied and no prehistoric cultural materials, such as midden, shells, hearths, fire-affected rock, artifacts, or other features were located on the site (chavez 1982 [S-4937] and ACRS 1979 [S-3104]). No further archaeological surveys were recommended (San Mateo County 2000a).

2.2 Project Description

The project approved by the County consisted of construction of a three-story, 15,000-square-foot single-family residence (6,000 square feet underground) with outlying bedrooms and underground tunnels, a 2,500-square-foot equipment barn, a 3,200-square-foot horse barn[1], and replacement of an existing farm labor housing unit with a 1,250-square-foot unit on a 261-acre parcel (Exhibit 3).

The basic description of the currently proposed project remains the same as described above for the County-approved project, except that a more precise size and breakdown of the components of the residence were provided and the square footage of the horse barn was revised to be 3,040 square feet. The more precise area of the residential complex is shown in Appendix B, amounting to 15,780 square feet of residential development[2]. The following areas are additional developed areas that are not included in the description above: swimming pool (1,100 square feet), terraces (7,546 square feet), driveway and parking, including the existing gravel driveway at the base of the hill to the garage door (8,064 square feet), walkways (956 square feet), and the septic field area (1,725) (Sagan-Pichota Architecture 2000a). Therefore, the gross square footage of developed area is 41,620 (slightly less than one acre), not including three acres to be planted in raspberries and peas, areas where horses are pastured, trails, and habitat restoration areas.

[1] At County's request the horse barn was moved to a hillside, necessitating an increase from 2,700 square feet to 3,200 square feet. The square footage was revised again for the Commission's review to 3,040 (Kim McCormick, staff communication).

[2] The 15,780 square feet reflects a refinement of the estimate in the County's reports, but not a change, to the project description.

Since the project was initially approved by San Mateo County and appealed to the Commission, the applicant has made changes to the project. The applicant was advised through the appeal notice and during meetings with Coastal Commission staff that one of the primary objectives in making the project consistent with the LCP would be to site it in the least visible location on the 261-acre parcel, compatible with all other LCP requirements. In response to this and other scenic resources policies the applicant revised his proposed project and provided additional information on the constraints analysis. Revisions to the project include lowering the height of the residence by four feet eight inches as compared to the project approved by San Mateo County, so that the residence roofline is at 30 feet five inches high (Figure 4). In addition, the applicant proposes berms to screen the house with minimal reliance on vegetation for screening. Initially, the applicant proposed four berms ranging in height from 15 feet to 25 feet, to fully screen the house, without relying on vegetation for screening. Because of the amount of grading and landform alteration berms of this size would require, the applicant proposed a revised berming plan. The revised plan combined the four berms so that there would be two berms ranging from seven feet to twelve feet (Figure 5). The first berm (Berm 1) would include a 20-foot by 60-foot earth-covered storage area to reduce the amount of fill necessary. To reduce the fill in the second berm (Berm 4), three 20,000-gallon water tanks would be placed inside it. The two berms would require 3,019 cubic yards of fill, which takes into account a 30 percent compaction factor for the native fill. This fill material would come in part from the 2,800 cubic yards of available from excavation for the main residence and tunnels. In total, the main residence, berms, tanks, emergency road, and driveway would require 1,152 cubic yards of fill. The latter berming plan is the proposed plan considered in this de novo review. In addition to the changes related to visual impacts, the applicant also amended his project description to indicate that there would be no use of helicopters or other aircraft on the property for the life of the development approved by the coastal development permit (see Exhibit 2).

The highest portion of the proposed structures, aside from the residence, range from 21 feet to 31 feet above the ground. The peak of the roof of the horse barn would be 31 feet above the natural grade. The highest portion of roof of the equipment barn would be 21 feet above the natural grade. The farm labor housing is proposed to rise 24.5 feet above the ground.

A water line and septic system are proposed on-site, and an existing domestic well in the southeast corner of the property would be used (Figure 6). The water line would extend approximately 3,300 feet and include a creek crossing at the bridge near the farm labor housing. The septic system would include approximately 3,300 feet of pipe plus three septic tanks and a leachfield. The new leachfield would be located to the south of the proposed residence on non-prime soils.

The farm labor housing and the equipment barn would be on prime soils. The residence and horse barn are not proposed on prime soils. The farm labor housing would be replaced in the same location as the existing farm labor housing.

Access to the site would be provided by an existing private access road from Highway 1 that serves the farm labor housing. The road would be extended 400 feet to access the county-approved residential development. The road crosses the creek between Potato Patch Reservoir

and Lake Elizabeth in two places. An existing dirt fire road extends all the way to the approved residential site, without crossing the creek. The proposed project includes installation of turf block and grass seed on the fire road to reduce visibility from Highway 1 and Año Nuevo State Reserve while still providing an emergency access route for fire vehicles.

The proposed residence and other structures would use earth tones, such as dark gray walls and a dark brown roof. All of the structures, including the residence, are designed to resemble barns.

The proposed project would include perimeter and internal pasture fencing (Figure 7). A five-strand fence would extend around the entire property, which is currently fenced around approximately half of its perimeter. Sections of the existing fence that are in poor condition would be replaced. The fence would include 48-inch horse fencing that is designed to prevent feral pigs from entering the property. Digging by feral pigs destroys native vegetation and harms ground-nesting animals – feral pigs have rooted in as much as 30 percent of the property to a depth of 6 to 24 inches. Horse fencing would be a gray, galvanized smooth wire with two by four-inch rectangles. The bottom 12 inches would be folded over, thereby providing a skirt to discourage pigs from digging under the fence. The top wire of the fence would be electrified to discourage livestock from approaching it. The internal fencing will be a poly-coated, five-wire fence.

To provide habitat for California red-legged frogs and San Francisco garter snakes and replace a dammed pond that was washed out during heavy storms, the applicant proposes to construct a seasonal pond in the wet meadow adjacent to Potato Patch Reservoir (Figures 6 and 8). The dammed pond was constructed for cattle watering and pasture irrigation within the intermittent creek in the Deluca Valley and provided habitat for California red-legged frogs and San Francisco garter snakes (Wetlands Research Associates, Inc. 2001). Because of the potential for heavy storms again destroying a dam, the applicant does not propose to replace the pond where it was formerly located (McGinnis 2000). Potato Patch Reservoir provides habitat for the California red-legged frogs, but the presence of introduced fish reduces its potential as breeding habitat because the trout eat the frog tadpoles. The proposed pond would be modeled after a pond designed by Dr. McGinnis for a Caltrans project at Devil's Slide. The pond would have sufficient depth and duration of ponding to allow breeding by California red-legged frogs, but would not be ponded perennially, thereby reducing use by bullfrogs, a predator of California red-legged frogs, and predatory fish. The presence of California red-legged frogs and other native amphibians attracts San Francisco garter snakes, which forage on these species. The pond would include the following features:

- The pond would be approximately 50 feet in diameter gradually grading from a shallow inshore zone to a center depth of five feet;
- A bentomat (or similar semi-impervious layer) would be placed at the bottom of the pond to retain water;
- A standpipe with float valve would provide water to the pond from the Potato Patch Reservoir. A fish screen would be placed on the intake to eliminate fish introduction to the pond; and
- Non-invasive aquatic plants would be planted along the edges of the pond.

The pond would require maintenance. The intake pipe would be monitored and maintained on a seasonal basis, such as four times per year, to ensure that water flows into the pond between November and July each year. Through draining or natural evaporation, the pond would be allowed to dry out for at least two weeks each year during October (Wetlands Research Associates, Inc. 2001).

The proposed project includes 2.77 miles of 36-inch wide walking trails (Figure 9). Trail building would require clearing vegetation and a minor amount of grading (less than 100 cubic yards) to create a level path. The trails would be sloped to minimize erosion. Water bars would be placed every 50 feet and straw would be placed on the path in the winter, when necessary. Grading would be minimized, with most cuts less than four inches and no more than 12 inches. Where possible, trails would follow old farm paths (Wade 2000c). Of the proposed trails, the applicant seeks after-the-fact authorization for approximately 1.17 miles of trails, which were built between April 2000 and June 2000 without the benefit of a coastal development permit.

In September 1999, the applicant replaced a collapsing 36-inch culvert at the eastern end of the intermittent creek in Deluca Valley without obtaining a coastal development permit. The applicant is therefore requesting that the Commission grant after-the-fact approval for the culvert replacement. The work conducted in 1999 included (1) removal of the existing 36-inch culvert, (2) installation of a new 48-inch plastic culvert in the same location, (3) construction of a stronger headwall, and (4) concrete grouting around the sides to prevent undermining. The applicant undertook the following measures to avoid significant adverse impacts to the creek. During construction, disturbance to the stream and riparian vegetation were minimized. Concrete was prevented from entering the stream by piping the stream flow (less than one quart per minute) around the work area. Straw bales were placed upstream and downstream to collect sediment. To prevent changes in the pH of the water in the stream, the concrete remained wrapped for four months.

The applicant also constructed a concrete patio with a 20-foot diameter for picnics at the top of Potato Patch dam, directly adjacent to Potato Patch Reservoir without obtaining a coastal development permit for these activities in May 2000. During a site visit, US Fish and Wildlife Service and California Department of Fish and Game representatives expressed concerns about adverse impacts to California red-legged frogs from the patio. To address these concerns, the applicant removed construction materials and recreation equipment from the area and buried and revegetated the concrete patio and footings. However, as of a site visit by Coastal Commission staff on November 12, 2000, the patio was only partially buried and revegetated, and most of it remained exposed. The applicant seeks after-the-fact authorization for installation and burial of the patio.

The caretaker's trailer was placed adjacent to the riparian vegetation along the unnamed drainage in the Deluca Valley without a coastal development permit. The applicant seek after-the-fact authorization for the temporary placement of this structure.

2.3 Ability of Applicant to Site Residence Where Proposed

The residential complex is proposed to be located south of the unnamed drainage in the Deluca Valley, as shown on Figure 5, although this location conflicts with a 1985 coastal development

permit issued by San Mateo County (Exhibit 4). The 1985 permit (CDP 85-80) for the subdivision of a 694-acre parcel, which includes the Blank property, from the 4,088-acre Cascade Ranch required that an agricultural easement be granted to the County covering all of the property except specific areas designated as residential homesites (see Exhibit 4, Master Land Division Plan, Exhibit C). The area on the Blank parcel identified as a homesite by the conditions of local CDP 85-80 is on the southernmost portion of the property, clustered with the Cascade Ranch buildings. An Irrevocable Offer to Dedicate Agricultural Preservation Easement and Declaration of Restrictions (Recorded March 10, 1986, 86025099) carried out the permit conditions of local CDP 85-80. There is no record at the County of the offer being accepted to date.

A 1996 local permit (CDP 96-0003) and permit application for the subdivision of a 679-acre parcel, which included the Blank property, into two lots did not reference or amend the 1985 permit regarding the homesite location (Exhibit 5). However, the local record for this permit application did include a tentative map showing the proposed residence location as a homesite.

The County and SCC do not oppose the newly proposed homesite location. Although neither the local permit application or local permit findings indicate an intention to revise the homesite locations established by CDP 85-80, San Mateo County concludes that CDP 96-0003 "effectively amended the Master Land Division Plan for this property to (a) revise the property line between the two Conservancy parcels and (b) relocate the house site on the east parcel to the location of the proposed Blank residence."(see March 20, 2001 letter in correspondence). The intent of the fee owners to relocate the house site on the east parcel is also reflected in the SCC's March 12, 2001 letter from Dick Wayman (see correspondence). The Conservancy concluded that expanding the farmable acreage on the 679-acre parcel was not possible and decided to subdivide the property so that most of the fields suitable for crop production were on one parcel, which is not the Blank property.

2.4 Sensitive Habitats

The Commission approves the permit application because the proposed project, as conditioned, will avoid significant adverse impacts to sensitive habitats.

2.4.1 Issue Summary

The project site provides habitat for a number of sensitive species, including San Francisco garter snake, California red-legged frog, western pond turtle, and loggerhead shrike. The applicant proposes to site development in these sensitive habitat areas, inconsistent with the habitat protection policies of the LCP. The staff, therefore, recommends special conditions requiring that some of the proposed development be re-sited as well as other measures necessary to avoid significant adverse impacts to sensitive habitat areas.

2.4.2 Standard of Review

Chapter 7 of the LCP contains policies that are very protective of sensitive habitats. In general, these LCP policies define and protect sensitive habitats, allowing only a limited type and amount of development in or near these areas. The full text of LCP policies discussed in this section are cited in Appendix C.

LUP Policy 7.1 defines sensitive habitats, which "include, but are not limited to, riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species." LUP Policy 7.3 provides development standards for projects within or adjacent to sensitive habitats. The uses permitted in sensitive habitat are listed in LUP Policy 7.4. LUP Policy 7.5 describes appropriate permit conditions to protect such areas from adverse impacts.

LUP Policies 7.7 through 7.13 address riparian corridors and their buffer zones and LCP Policies 7.14 through 7.19 address wetlands and their buffer zones.

LUP Policies 7.32 through 7.36 address designation of habitats, permitted uses, permit conditions, and preservation of critical habitats that apply to likely rare and endangered species on the site. LUP policies 7.34 and 7.36 require that a qualified biologist prepare a report that discusses the natural and physical requirements of all endangered species on the property. LCP policy 7.36 specifically protects San Francisco garter snake habitat, including migration corridors.

2.4.3 Discussion

Introduction

Much of the project site is sensitive habitat. The applicant has conducted a number of surveys and consulted with specialists in various biological fields that have documented the presence of habitat for listed species and other special status species and wetlands on the property and adjacent properties (Biotic Resources Group and Dana Bland & Associates 2000, McGinnis 2000 and 2001). The Potato Patch Reservoir, the riparian corridor surrounding it and extending to Lake Elizabeth, and much of the grassland-scrub savanna are considered critical habitat for the San Francisco garter snake and California red-legged frog. On-site visits with United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), representatives from both agencies concurred with this assessment of critical habitat. One California red-legged frog was observed at the Potato Patch Reservoir during a site visit with USFWS and CDFG representatives. Wetlands on the site include the reservoir, the riparian corridor along the unnamed drainage between Potato Patch Reservoir and Lake Elizabeth, the riparian corridor along Cascade Creek along the southern site boundary, and several other swales with riparian and coastal scrub vegetation (Map 3 of Exhibit 5).

In addition, the property provides potential habitat for several other special status species. Besides the red-legged frog, no other special status species have been observed at the property. No special status plant species are expected to be found in the grassland areas where the proposed and alternative development sites are located. Sensitive species observed at the site or likely to use habitat at the site are listed below:

Common Name	Scientific Name	Federal Status	State Status	Presence at Site
California red-legged frog	*Rana aurora draytonii*	Threatened	Special Concern Species	Confirmed
San Francisco garter snake	*Thamnophis sirtalis tetrataenia*	Endangered	Endangered	Likely
Western pond turtle	*Clemys marmorata*	Species of Special Concern	Special Concern Species	Likely

Yellow warbler	*Dendroica petechia*	None	Special Concern Species	Likely
Loggerhead shrike (nesting)	*Lanius ludovicianus*	Species of Special Concern	Special Concern Species	Likely
Cooper's hawk (nesting)	*Accipiter cooperi*	None	Special Concern Species	Likely
Sharp-shinned hawk (nesting)	*Accipiter striatus*	None	Special Concern Species	Likely
Northern harrier (nesting)	*Circus cyaneus*	None	Special Concern Species	Likely
Monarch butterfly	*Danaus plexipus*	None	None	Likely

Source: Biotic Resources Group and Dana Bland & Associates 2000; CDFG 2001.

Any portion of the site that provides habitat for the special status species listed above is considered sensitive habitat in accordance with LUP Policy 7.1, which defines sensitive habitat, among additional factors, as "habitats containing or supporting 'rare and endangered' species as defined by the State Fish and Game Commission. In particular, the areas considered critical habitat for the San Francisco garter snake and the red-legged frog are sensitive habitat. The sensitive habitats map for the LCP indicates that rare, endangered, or unique reptiles and amphibians and plants have been found near the Blank property. LUP Policy 7.36 includes the riparian and wetland habitats as well as migration corridors of the San Francisco garter snake as sensitive habitat. The wetlands and riparian areas are also categorically defined in the LCP as sensitive habitats (LUP Policies 7.1, 7.7, 7.8, 7.14, and 7.15). The proposed (and existing) farm labor housing unit would be approximately 50 feet from the riparian area. The equipment barn would be adjacent to the farm labor housing and is also approximately 50 feet from the riparian area. The proposed stable would be approximately 400 feet north of the riparian area, within the valley that contains the creek corridor. The proposed residence is on a hill approximately 325 feet above the riparian area.

California red-legged frogs and San Francisco Garter Snakes

Background

California red-legged frogs have been extirpated or nearly extirpated from over 70 percent of their former range and are federally listed as threatened. Habitat loss, competition with and direct predation by exotic species, such as bullfrogs, and fragmentation of habitat due to encroachment of development are the primary causes for the decline of this species throughout its range. The remaining populations are primarily in central coastal California and are found in aquatic areas that support substantial riparian and aquatic vegetation and lack non-native predators. Habitat for red-legged frogs is typically deep-water pools with fringes of dense, emergent vegetation or dense shrubby vegetation, such as cattails and willows. Frogs hibernate in small mammal burrows, leaf litter, or other moist sites in or near (within a few hundred feet of) riparian areas (USFWS 1994, USFWS 1996, cited in NatureServe 2000). According to the final rule designating critical habitat for the red-legged frog, the project site is within critical habitat Unit 14, San Mateo-Northern Santa Cruz Unit (50 CFR Part 17, March 13, 2001). This rule provides guidance on the physical and biological features that are considered essential to the conservation of the species, as cited below:

> *In summary, the primary constituent elements consist of three components. At a minimum, this will include two (or more) suitable breeding locations, a permanent water source, associated uplands surrounding these water bodies up to 90 m (300 ft) from the water's edge, all within 2 km (1.25) miles of one another and connected by barrier-free dispersal habitat that is at least 90 m (300 ft) in width. When these elements are all present, all other suitable aquatic habitat with 2 km (1.25 mi.), and free of dispersal barriers, is also considered critical habitat.*

San Francisco garter snakes are federally and state listed as endangered. The San Francisco garter snake's preferred habitat is densely vegetated ponds near open hillsides where it can sun itself, feed, and find cover in rodent burrows. The species is extremely shy, difficult to locate and capture, and quick to flee to water when disturbed. On the coast, the snake hibernates during winter in rodent burrows, and may spend the majority of the day during the active season in the same burrows. San Francisco garter snakes have been found up to 590 feet away from water in rodent burrows on dry, grassy hillsides (NatureServe 2000). McGinnis (2000) recorded, in 1988, one adult male traveling over a ridgeline between two sag ponds that were approximately 1,320 feet apart.

California red-legged frogs are an essential prey species to the San Francisco garter snake, and the snakes have not been found in areas where red-legged frogs are absent. In addition, newborn and juvenile San Francisco garter snakes depend heavily on Pacific tree frogs. Adult snakes may also feed on juvenile bullfrogs. The decline of San Francisco garter snake is due principally to habitat loss, the loss of red-legged frogs, illegal collection, and the introduction of bullfrogs. Adult bullfrogs prey on both San Francisco garter snakes and California red-legged frogs.

The presence of San Francisco garter snakes and red-legged frogs is well-documented in the site vicinity. Between 1983 and 1985 a comprehensive biological survey was undertaken on the entire Cascade Ranch, which includes the subject property (now know as K & S Ranch and formerly comprising most of Cascade Valley Ranch, as shown on Figure 19). The purpose of the study was to identify the range of the San Francisco garter snake and develop adequate measures for its protection. Because the snake forages in shallow moist areas, the survey focused on eight selected pond or marsh areas on the original ranch property. During the survey, San Francisco garter snakes were found in the marsh habitat at the north end of Lake Elizabeth and in the riparian scrub adjacent to Artichoke Pond, west of Highway 1 (Figure 20). San Francisco garter snakes were found by Berry in 1978 in the vicinity of White House Creek Road Pond, but no snakes were found during extensive trapping conducted for the 1983-1985 study. Between the 1978 survey and the mid-1980 survey, the pond and vegetation along the pond margin were severely degraded by cattle grazing and trampling. This degradation of the habitat adversely affected San Francisco garter snakes by eliminating vegetation that provided cover during foraging, protecting the snakes from predation by raptors. In addition, the cattle trampling reduced the populations of frogs by physically destroying the eggs, tadpoles, and adults (McGinnis 1987). Since cattle grazing ceased in 1988, the White House Creek Road Pond and vegetation has recovered and resulted in a marked increase in the population of California red-legged frogs. A San Francisco garter snake was observed in 1996 at the pond by Paul Keel, a ranger at Año Nuevo State Reserve who had assisted Dr. McGinnis previously with San Francisco garter snake research (McGinnis 2001). Although habitat at the White House Creek Road Pond since the mid-1980's, habitat at Coppock Pond and Lake Elizabeth is no longer as suitable for San Francisco garter snake and California red-legged frog. At both Coppock Pond

and Lake Elizabeth, vegetation has become so dense that it no longer provides ideal habitat. In addition, at Lake Elizabeth, introduced predatory fish and periodic drawdowns have limited frog populations. Therefore, although grazing has ceased at Cascade Ranch and the area includes ideal movement corridors (intermittent drainages that connect all three ponds), due to the degradation of habitat at Coppock Pond and Lake Elizabeth, Dr McGinnis concludes that the "Cascade Ranch SFGS population may not be any better off than it was in the mid-1980's." (McGinnis 2000, 2001).

As described above, the habitats for San Francisco garter snakes and red-legged frogs overlap. Habitat for these species is primarily in the northern and western portions of the property where there are ponds and riparian corridors on the property and adjacent properties, as shown in Figure 21 and described by McGinnis (2001):

> *…any riparian drainage pathway which connects two potential habitat sites for the CRF (and therefore the SFGS as well) occasionally support movements of both species. These would include the shallow ravine between Whitehouse Road Pond and the north marsh of Lake Elizabeth, the riparian drainage channel between the CRF breeding habitat at Potato Patch Reservoir and the east shore of Lake Elizabeth, the irrigation ditch between Coppock Pond and Cascade Creek…*
>
> *There must also be occasional movement of both species along the irrigation channel which passes from the west side of Lake Elizabeth to its eventual junction with Cascade Creek west of Rout 1. Support for this idea is given by the presence of both species at "Artichoke Pond," a small irrigation water holding basin located west of Route 1 and which is supplied by this channel…*
>
> *As for extensive movements of either species southward from the Cascade Ranch area to the ponds on the Hinman and Lee properties I believe that this would be an unlikely event since there is no direct riparian connection between these two regions. Over time, however, gene flow most likely occurs along Cascade Creek westward to the terminal Pacific shore marsh area which it shares with Green Oaks Creek. Snakes and frog may then wander, perhaps through several generations, eastward along Green Oaks Creek which would eventually lead them to smaller drainages which pass to or near the Hinman and Lee ponds.*
>
> *With respect to SFGS upland movements to winter retreat (hibernation) sites, any hillside which supports a good rodent burrow system complex and is located near a feeding pond (CRF/PCF habitat) must be considered a potential use area. The area between such retreats and the pond/marsh edge would therefore comprise the movement corridor. Currently such movement areas most likely exist between the shoreline areas and adjacent uplands at Whitehouse Road Pond and perhaps the north marsh and shores of Lake Elizabeth. However, with the apparent loss of the former Coppock Pond site as a viable CRF breeding habitat, the current use by SFGSs of the hillside which passes west from the proposed Blank Property home site to the level area adjacent to this former pond seems unlikely.*

Impacts and Consistency with Applicable LCP Policies

Development of the residential complex at the proposed site would not impact sensitive habitat, including habitat for San Francisco garter snakes and California red-legged frogs. Although the house would be sited in an upland grassland area, which can provide upland retreat habitat for the San Francisco garter snake and the California red-legged frog, certain factors suggest that this particular upland grassland area would not be habitat. According to the applicant's consultant and San Francisco garter snake and California red-legged frog expert, Dr. Sam McGinnis (McGinnis 2000), the mixed conifer woodland to the south and the dense stand of Douglas fir to the north are not known retreat sites for either species and the riparian corridor below the proposed house site would provide the "logical movement corridor." In addition, California meadow vole burrow systems, which provide upland retreat habitat, are relatively scarce on the proposed house site. The flat area where the house is proposed does not have good drainage that is necessary for burying rodents in normal to heavy rainfall years. Dr. McGinnis (McGinnis 2000) notes that "my previous radio tracking studies with the SFGS have never documented this species using flat-land retreat areas." The vole burrows are, however, relatively abundant on the west-facing slope below the proposed house site. Dr. McGinnis (McGinnis 2000) concludes:

> *Given these findings, sound biological reasoning dictates that SFGSs which may be seeking upland retreats from the Lake Elizabeth south marsh area would utilize some of the numerous meadow vole burrows on the extensive west-facing hillside area between the marsh and the proposed building site area instead of traversing this entire slope in order to seek out lesser retreats in the greater proposed house site region.*

Based on these findings, the Commission finds that the proposed location of the house on the terrace will not adversely affect habitat and can be found consistent with the habitat policies of the certified LCP. The location of other components of the proposed project, however, require further analysis.

Trenching necessary for installation of the 3,300-foot long water line and septic line of similar length would temporarily impact San Francisco garter snake and red-legged frog habitat. As proposed, the water line and septic line would cross the unnamed drainage in the Deluca Valley at the road crossing. The drainage is a riparian corridor as well as habitat for the listed snake and frog.

The horse barn, equipment barn, and farm labor housing are proposed within the flat floodplain area approximately 50 to 400 feet from the riparian corridor, which connect two ponds, and would, therefore, be within the dispersal corridor of San Francisco garter snakes and red-legged frogs. According to the final rule designating critical habitat for the California red-legged frog, the **dispersal corridor should be <u>at least</u> 300 feet wide**. Activity associated with the proposed development may disturb frogs and snakes and/or lead directly to injury and mortality (e.g., trailers or cars driving to the barns, trampling by horses). Horses can affect snakes and frogs by trampling small mammal burrows that provide refugia and compacting soil, as well as altering the density and composition of plant species that provide shelter for snakes and frogs and food for small mammals (Gardner 1950; Bock et al. 1984). One recent study found that small mammals were 50 percent more abundant on plots where livestock were excluded. Because

small mammals are food for predators such as snakes and hawks, their abundance can affect species at higher tropic levels, including endangered species (Hayward et al. 1997).

Grading and construction activities and noise may adversely affect nesting birds. These activities may cause birds to abandon nests, reduce the number of broods they produce, or cause other behaviors that result in reducing population numbers. Sensitive species, such as loggerhead shrikes, Cooper's hawks, sharp-shinned hawks, and northern harriers, whose population levels are already of concern, would be particularly vulnerable to disturbance by grading and construction activities. The recommended distance from nesting raptors varies from 50 feet to 1,600 feet. The distance for Cooper's hawk and sharp-shinned hawk ranges from 400 to 600 feet (Richardson and Miller 1997). Loggerhead shrike and Cooper's hawk breeds from March through August. Sharp-shinned hawk breeds from April through August. Northern harrier breeds April to September.

Pond turtles, a federal and state Species of Special Concern, may wander from the Potato Patch pond or riparian area into the proposed development areas to nest. Turtles at the site where grading or construction is occurring may be killed and injured by equipment, their burrows crushed, or the activity and noise associated with construction and grading may prevent them from nesting. All of these consequences could adversely affect the population numbers of pond turtles, which are already of concern. Female turtles move overland, including climbing hillsides, for as much as 325 feet to find suitable sites for laying eggs. Females lay eggs from March through August, depending on weather conditions (CDFG 2001).

LUP Policies 7.1 and 7.36 define the San Francisco garter snake/California red-legged frog habitat as sensitive habitat. LUP Policy 7.4 permits only resource-dependent uses in sensitive habitats, and barns and farm labor housing are not considered resource-dependent in the LCP. LUP Policy 7.33 describes very limited types of uses that are permitted in habitats of rare and endangered species, and does not include barns or farm labor housing, as cited below:

> *Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.*

The proposed horse barn, equipment barn, and new farm labor housing would be located in sensitive habitat in direct conflict with LUP Policies 7.4 and 7.33. LUP Policy 7.3 prohibits any land use or development that would have a significant adverse impact on sensitive habitat areas, and requires adjacent development to be sited and designed to avoid impacts and maintain the biologic productivity of the habitats. Because the proposed barns and farm labor housing are in sensitive habitat, this proposed development is inconsistent with LUP Policies 7.3. In addition, as discussed further below, the impermissible impacts to sensitive habitat can be avoided by siting the barns and farm labor housing outside sensitive habitat (see discussion of alternative site below).

LUP Policy 7.36 protects habitat for San Francisco garter snake. LUP Policy 7.36a prohibits development "where there is known to be a riparian or wetland location for the San Francisco garter snake," except for man-made impoundments, which does not apply in this case because Lake Elizabeth is a naturally-formed pond, and the riparian corridor on-site connect to this

natural pond. The proposed water and sewer lines are inconsistent with LUP Policy 7.36a. because they are proposed to cross through the riparian corridor. The intermittent drainage meets the definition of riparian corridor under LUP Policy 7.7. The proposed pipelines would also be inconsistent with LUP Policy 7.9 because pipelines are permitted in riparian corridors only "when no feasible or practicable alternative exists." To be consistent with LUP Policy 7.9 and 7.11, which defines buffer zones of riparian corridors, the applicant would have to demonstrate that there is no feasible or practicable alternative to locating the water and sewer lines in the riparian corridor or the pipelines would need to installed so that they are 30 feet from the limit of riparian vegetation, such as being placed under a bridge that begins and ends outside the riparian corridor and buffer zone. To be consistent with LUP Policies 7.36 as well as 7.9, all structures should be clustered on the south side of the property, such as the alternative location for the barns and farm labor housing as described below, to avoid having the sewer line cross the creek. Because the water well is on the north side of the property, the water line would still have to

In addition, much of the proposed driveway would be located within 30 feet of the riparian corridor and within the dispersal corridor of the San Francisco garter snake. Although a gravel road exists where the driveway is proposed, the increase in traffic and other activity along the riparian corridor would be inconsistent with LUP Policy 7.36b, which requires mitigation measures that would provide appropriate migration corridors of San Francisco garter snakes. As discussed above, San Francisco garter snakes and California red-legged frogs likely migrate between the Potato Patch Reservoir on the project site and Lake Elizabeth along the intermittent drainage. Any increase in vehicular traffic along the driveway, would potentially cause frog and snake mortality. The current edition of the Trip Generation handbook by the Institute of Transportation Engineers (1997) estimates that a single-family detached dwelling generates an average of 10 trips per day on weekdays and Saturdays, with nine trips per day on Sundays. The handbook notes that the data used in their studies varies widely in terms of dwelling unit size, price, and location, and ranges from five to 22 average trips on weekdays. In addition, the handbook states that within this group, single-family units that were larger and further away from the corresponding central business district generated a higher number of trips than units that are smaller and closer to the central business district. Based on this data, the proposed large residential development, farm labor housing, equestrian activities, and raspberry or pea fields in a remote location (approximately 12 miles from the Pescadero town center) would generate more vehicular trips than the average of ten trips per day of an average single-family dwelling. Thus, the impacts of the proposed development to the listed frogs and snakes due to traffic would be greater than that of a smaller house. Because the barns, farm labor housing, and driveway are not designed to avoid or minimize such impacts, they are inconsistent with Policies 7.3, 7.4, 7.33 and 7.36b.

Special Conditions 2 and 4 are required to avoid significant adverse impacts to special status species that are known to be found in adjacent sensitive habitat consistent with Policies 7.3, 7.4, 7.33, and 7.36b. Most of the parcel is sensitive habitat. The wetlands, riparian areas, and much of the grasslands are critical habitat for San Francisco garter snake and red-legged frog. Much of the dispersal habitat for these species is on the north side of the property. One of the few areas that does not meet the LCP definition of sensitive habitat and does not have any other major constraints is the terrace where the residence is proposed and the valley to the south of the residence. Special Condition 2 addresses the submittal of revised plans and Special Condition 4 addresses conditions related to sensitive habitat that do not require submittal of revised plans.

Special Condition 2A requires clustering the residence as well as all of the other proposed development south of the riparian corridor. Clustering all of the other proposed development with the proposed residence south of the riparian corridor would avoid or minimize impacts to sensitive habitat. Siting the house at this location would avoid loss of habitat for San Francisco garter snake and California red-legged frog and maintain dispersal corridors of these species. Development sited on the terrace would not only avoid the direct loss of habitat for the listed frog and snake but also would minimize both traffic and disturbance impacts. By moving the barns and farm labor housing to the valley southwest of the residence, the driveway along the riparian corridor and two creek crossing would no longer be used to serve this development. Traffic on the roadway and driveway would be out of the dispersal corridor between the Potato Patch Reservoir on the Blank property and Lake Elizabeth. Special Condition 2B requires that access to the main residence, horse barn, equipment barn, and replacement farm labor housing unit occur via an access road located along the same alignment as the existing dirt fire road to the main residence on the plateau to the south of the riparian corridor as shown on Figures 22 and 23. In addition, with all of the structures clustered on the south side of the unnamed drainage in the Deluca Valley, the proposed septic line would not have to cross the riparian corridor.

With regard to the caretaker's trailer that was placed adjacent to the riparian vegetation along the unnamed drainage in the Deluca Valley without a coastal development permit, Special Condition 4A clarifies that the placement of this trailer is only authorized until the proposed residence is constructed.

Special Conditions 4B, C, D, E, and F mitigate potential impacts from development adjacent to sensitive habitat areas on the site. The nesting period for sensitive bird species, such as loggerhead shrike, Cooper's hawk, and sharp-shinned hawk, is approximately February 1 through August 1. Therefore, Special Condition 4C requires that construction should not occur within 650 feet of nests of these birds. The San Francisco garter snake is active between May 1 and November 1. Therefore, Special Condition 4D requires that grading and construction should be conducted during this active time to prevent harm to hibernating snakes. Because of the endangered status of the San Francisco garter snake, the elusiveness of the species, and that the species has been observed in habitat nearby, no grading is allowed between November 1 and May 1. In addition, Special Condition 4D requires that two days prior to grading, surveys shall be conducted for San Francisco garter snake as well as California red-legged frogs to ensure that neither the frogs nor the snakes will be present during grading activities. Special Condition 4E requires that a biological monitor be present throughout grading and construction activities to ensure that San Francisco garter snakes and California red-legged frogs are continually protected. To prevent pond turtles from nesting in construction areas or otherwise being harmed, Special Condition 4F requires that a barrier fence be placed around the construction areas prior to the beginning of the pond turtle nesting season.

Special Condition 5 requires submittal of a grazing plan to ensure that horses do not adversely impact the sensitive habitat.

Special Condition 6 requires that the concrete patio be buried to a depth of at least two feet and revegetated with native species represented in the adjacent riparian area because, as of a site visit by Coastal Commission staff on November 12, 2000, the patio was only partially buried and revegetated, and most of it remained exposed. Burying the patio adjacent to California red-

legged frog and San Francisco garter snake pond habitat ensures that the patio will not be used for activities inconsistent with the protection of the habitat.

2.4.4 Conclusion

In conclusion, the Commission finds that, as conditioned, the proposed development is consistent with the sensitive habitat protection policies of the LCP. As conditioned, the proposed development is sited to avoid any direct impacts to sensitive habitat and includes appropriate mitigation measures to avoid and minimize significant adverse impacts that could result from development adjacent to sensitive habitat areas on the site.

2.5 Land Use – Agriculture

The Commission finds that the proposed development as conditioned conforms to the LCP policies regarding conversion of agricultural land.

2.5.1 Issue Summary

The parcel was used for agriculture in the past and includes prime agricultural land and lands suitable for agriculture as defined in the LCP. The farm labor housing unit is a conditional use that is proposed to be sited in prime agricultural land, but which may be sited elsewhere. The other development is sited within land suitable for agriculture and meets the criteria to allow conversion of agricultural land.

2.5.2 Standard of Review

The LCP protects agricultural lands and is reflective of the policies of the Coastal Act by its encouragement of agricultural uses to the exclusion of other land uses that may conflict with agriculture. In short, the policies of the LCP acknowledge that coastal agricultural lands are an irreplaceable natural resource and the protection of their economic integrity as economic farm units is vital. In order to accomplish this, the LCP sets forth a number of requirements. These include, but are not limited to, defining allowable agricultural uses, and identifying principal and conditional uses, development standards, and easement requirements.

Chapter 5 of the LCP contains policies designed to keep agricultural land in agricultural production. In general, these LCP policies define and protect agricultural lands, allowing only certain uses in or near these areas. Applicable portions of the text of LCP policies discussed in this section are cited in Appendix C.

LUP Policies 5.1 and 5.3 define prime agricultural lands and lands suitable for agriculture, respectively. LUP Policies 5.5 and 5.6 describe uses that are permitted on prime agricultural lands and lands suitable for agriculture, respectively. Single-family residences are conditional uses in both of these areas. LUP Policies 5.8 and 5.10 provide criteria for development of prime agricultural lands and lands suitable for agriculture, respectively. LUP Policy 5.11 provides density limits on agricultural land.

Section 6353 of the LCP Implementation Plan requires issuance of a Planned Agricultural Permit for farm labor housing on prime agricultural lands and for a single-family residence and horse barn on lands suitable for agriculture. Section 6355 defines substantive criteria that must be addressed to ensure that land uses are consistent with the purpose of the PAD. The substantive criteria address protection of agricultural uses on land in the PAD. The criteria include minimizing encroachment on land suitable for agricultural use, clustering development,

availability of water supply, preventing or minimizing division or conversion of agricultural land, and retention of agricultural land within public recreation facilities.

2.5.3 Discussion

Background

The project site was originally part of the larger Steele Ranch that at one time encompassed roughly 7,000 acres dedicated primarily to dairy operations. The original Steel Ranch, dating back to the 1870's, extended from Gazos Creek to the Santa Cruz border along the south and east (Le Boeuf and Kaza 1981). The properties were subdivided in the 1950s creating the Blank parcel and its neighboring properties. When dairy operations declined, the Cascade Ranch, which was part of the Steele Ranch and includes the Blank property, was used for cattle grazing in the uplands and crop farming in the low areas along Highway 1. In 1981, approximately 50 acres of the Cascade Ranch were used for crops, "yielding a substantial harvest of artichokes and Brussel sprouts" (San Mateo County 1981). Historic grazing on the Blank parcel has long since ceased. The site where the residence is proposed appears to have been cleared for grazing. The site includes 26 acres that are prime agricultural land because they have Lockwood soils, which are Class II soils or Class III soils with good or better suitability for growing artichokes or brussel sprouts[3] (Blank 1999; Coastal Conservancy 1998). The prime agricultural land along the riparian corridor was used for growing crops. The cropland is now fallow.

Impacts and Consistency with Applicable LCP Policies

The farm labor housing and equipment barn are proposed on prime agricultural land and the residence and horse barn are proposed on lands suitable for agriculture. The land where the equipment barn and farm labor housing are proposed has with Class II soils and Class III soils with good or better suitability for growing artichokes or brussel sprouts, which is prime agricultural lands in accordance with the definition in LUP Policy 5.1a. The land where the residence and horse barn are proposed do not have Class I or II soils and there is no evidence that artichokes or Brussel sprouts were ever grown in these locations. However, the land where the residence and horse barn are proposed was previously used for grazing. The soils at the residential site, Santa Lucia and Tierra loam, are considered, respectively, "best suited for range use" with a "fair carrying capacity," and "best suited to shallow-rooted crops, such as irrigated pasture, hay, grain, and some row crops" and irrigated pastures provide high yield of forage according to the U.S. Department of Agriculture (U.S. Department of Agriculture 1961). The Lobitos loam soils where the horse barn is proposed are commonly used for range and provides good forage in winter and spring months, however it becomes puddled and crusted when trampled by livestock when wet and may result in increased runoff. Therefore, as historic grazing land and land that has the potential to be used for grazing in the future, the site where the house and horse barn are proposed would be considered "lands suitable for agriculture" under the definition in LUP Policy 5.3, which includes "lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting."

[3] Class II soils are those that "can be cultivated regularly, but do not have quite so wide range of suitability as Class I soils." Class III soils are those that "can be cropped regularly, but have a narrower range of use" than Class II soils. Soil classes are part of a capability grouping of soils based on the relative suitability of soils for crops, grazing, forestry, and wildlife, as defined by the U.S. Department of Agriculture Soil Conservation Service (U.S. Department of Agriculture 1961).

The farm labor housing, residence, and horse barn are not a principally permitted use and are allowed only as a conditionally permitted use under LUP Policies 5.5 and 5.6 and Section 6353 of the Implementation Plan. As such, the allowance of the proposed uses is not a right under the LCP and is subject to discretionary review for consideration.

Reasons for the conditional use designation for residential structures are rooted in the inherent incompatibility of residential and agricultural land uses. Typical incompatibility issues raised where urban and agricultural lands meet include noise, dust, and odors from agricultural operations; trespass and trash accumulation on agriculture lands; road-access conflicts between agriculturally related machinery and automobiles; limitations of pesticide application, urban garden pest transfer, theft, vandalism; and human encroachment from urban lands. Such incompatibilities can threaten continued agricultural cultivation when its proximity to non-agricultural uses (such as residential) raises issues and/or concerns that standard agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products (such as dust and noise from machine operations associated with cultivating, spraying, and harvesting) are a threat to the non-agricultural uses.

The incompatibility of horses barns and pasturing with agricultural uses is demonstrated by the fact that LUP Policy 11.19, part of standards for recreation and visitor-serving facilities, requires that horses be kept off agricultural land. Accordingly, the County does not consider the keeping of horses, either for a private stable or a commercial stable, to be an agricultural use. Section 6102.3 of the Implementation Plan defines agriculture as "the tilling of soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, or animal husbandry." Livestock is defined under Section 6102.51.3 as "domestic animals, excluding dogs and cats, that are customarily kept for productive home use or for profit, including, but are not limited to cows, sheep, pigs, or goats." Agricultural commodity is defined in Title 5, Section 51201 as "any and all plant and animal products produced in this state for commercial purposes." The horses proposed as part of this project will be kept for recreational use. The horses will not be involved in any agricultural production and are not proposed to be raised for profit or commercial purposes. Therefore, the horses are not considered livestock and pasturing horses is not considered agriculture.

Uses ancillary to agriculture is defined as "agricultural grading equipment supplies, agricultural rental supplies, topsoil stockpiling, and other similar uses determined to be appropriate by the Planning Director." Because the horses are not an agricultural use, the horse barn is not ancillary to agriculture. Under Section 6351F non-residential development that is considered accessory to agriculture includes "Barns, storage/equipment shed, stables for farm animals … and other similar uses." Similarly, because horses are not considered livestock or an agricultural use, a horse barn would not be considered accessory to agricultural uses.

The equipment barn would be a permitted use within the prime agricultural land under Section 6352A.(2) of the Implementation Plan because it is a "non-residential development customarily considered accessory to agricultural uses." Although agriculture is not a primary focus of the proposed project, three acres of peas and raspberries are proposed. Therefore, the equipment barn can be considered accessory to agricultural uses.

As stated above, the equipment barn and farm labor housing are proposed on prime agricultural land. LUP Policy 5.8a lists four criteria that must be met before prime agricultural land can be

built upon ("converted"), for a conditionally permitted use. Failure to meet any one of these criteria requires that the proposed conversion be prohibited. The project as proposed would convert agricultural land to a non-agricultural use, but fails to meet one of the criteria for permitting such a conversion. LUP Policy 5.8a.(1) specifies as a prerequisite to conversion of agricultural lands "**That no alternative site exists for the use."** The proposed replacement of the farm labor housing would be in prime agricultural land, but there are feasible alternative locations on the property. For example, the farm labor housing could be clustered with the barns to the southwest of the residence on lands suitable for agriculture, as described under alternative site subsection in Section 2.4.3. Therefore, the proposed conversion of agricultural lands for farm labor housing does not meet the first criteria of LUP Policy 5.8. Condition 2A requires that the farm labor housing unit be located where it would not be on prime agricultural land. The farm labor housing unit would be clustered with the horse barn and equipment barn in the valley to the south of the proposed residence site as shown on Figures 22 and 23.

With regard to the residence and horse barn, which are proposed on lands suitable for agriculture, the criteria for conversion of land suitable for agriculture is the same as the criteria for prime agricultural land, except that the first criteria is slightly different and there is one additional criteria. The first criteria under LUP Policy 5.10a requires demonstration that "**All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable**." The entire site is either prime agricultural land or lands suitable for agriculture. Therefore, there are no agriculturally unsuitable lands on the parcel. Therefore, the proposed conversion of agricultural lands to residential use meets the first criteria of LUP Policy 5.10a.(1). LUP Policy 5.10a.(2) requires a finding that "**Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act**." The parcel is currently not used for agricultural purposes, but has been in the past. The applicant proposes to plant three acres of raspberries and peas in an undefined location. The proposed development would not prevent renewed agricultural use of the soils. Therefore, the proposed residential development and horse barn meet the second criteria of LUP Policy 5.10a.

Finally, as stated above, a single-family residence, farm labor housing, and horse barn are not allowable as a principally permitted structure within the PAD, but may be allowed with the issuance of a Planned Agricultural Permit. The equipment barn does not need a PAD because as a use accessory to agriculture it is a permitted use. However, residential development is a conditional, discretionary use in the PAD zone applicable to the parcel. Specific findings to allow such a use must be made pursuant to LCP Implementation Plan Section 6355. As explained in the site description, the proposed single-family dwelling complies with the PAD zoning of the lands within the coastal zone, which allows one density credit or one residential unit on the property. In accordance with Section 6356 of the Implementation Plan, farm labor housing is exempt from the density provisions. The substantive criteria for conversion of prime agricultural land to allow issuance of a Planned Agricultural Permit (Section 6355D of the LCP Implementation Plan) is essentially the same as under LUP Policy 5.8a. Therefore, the proposed location of the farm labor housing would not qualify for issuance of a Planned Agricultural Permit unless the farm labor housing unit would not be located on prime agricultural land. As discussed above, Condition 2A requires that the farm labor housing unit be located where it would not be on prime agricultural land. The farm labor housing unit would be clustered with the horse barn and equipment barn in the valley to the south of the proposed residence site as shown

on Figures 22 and 23. The substantive criteria for conversion of the lands suitable for agriculture to allow issuance of a Planned Agricultural Permit (Section 6355F of the LCP Implementation Plan) is also essentially the same as under LUP Policy 5.10a. as discussed above, the proposed residential development and horse barn meet the second criteria of LUP Policy 5.10a. Therefore, the proposed development, as conditioned, meets the criteria to allow issuance of a Planned Agricultural Permit.

2.5.4 Conclusion

In conclusion, the Commission finds that the proposed development, as conditioned, is consistent with the agricultural policies of the LCP. Because the development is sited within prime agricultural land and land suitable for agriculture and meets the criteria to allow conversion of either prime agricultural land or land suitable for agriculture or is conditioned to be resited, it is consistent with LUP Policy 5.10 and Section 6355F of the Implementation Plan.

2.6 Visual Resources

The Commission finds that the proposed development as conditioned conforms to the LCP policies concerning the protection of the scenic qualities of the hills visible from a scenic highway and public viewpoints.

2.6.1 Issue Summary

The LCP presents two primary tests that address the conformity of the proposed development with the visual resource policies of the certified LCP. The first test addresses siting of development in scenic areas and where it is visible from public viewpoints. This first test is based on LUP Policy 8.5, which requires that new development be located where it is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints, and consistent with all other LCP requirements best preserves the visual and open space qualities overall. The second test addresses the design of development to avoid or minimize impacts to visual resources. The second test requires that development be designed to be as unobtrusive as possible and relate in size and shape to adjacent buildings and landforms.

Highway 1 is a State Scenic Road, as defined and designated in LUP Policies 8.28 and 8.29, and Año Nuevo State Reserve is designated as a reserve because of its "outstanding natural and scenic characteristics." The Blank property, which comprises 261 acres, includes ridge lines and existing, mature trees and other vegetation that block views of some portions of the property from the highway and the reserve. However, in accordance with LUP Policy 8.5, because some of the less visible alternative sites are in sensitive habitat, the least visible site that is consistent with all other LCP requirements must be ascertained. The applicant conducted a constraints analysis and alternatives assessment to address LUP Policy 8.5. As discussed below, based on the constraints analysis and visibility survey conducted by the applicant, the Commission concludes that the residence is proposed to be sited at the least visible location that is consistent with all other LCP requirements.

In addition, the large, tall, sprawling design of the residence, barns, and farm labor housing does not conform to the requirement that the development in scenic areas shall be as unobtrusive as possible through design, siting, layout, size, height, and shape. Even with the use of berms

(without scrub vegetation), at least five feet of the 31 foot high, 15,780-square-foot main residence would be visible (see Figures 11-18). The farm labor housing is proposed to be two stories and 24 feet high. The proposed development is a very large residence and includes large artificial berms.

Condition 10 of CDP 85-80, a local coastal development permit involving the subdivision of the subject site, requires that "Future development requests be conditioned to: … limit non-agricultural structures to 16 feet in height unless additional height would not be substantially visible from Highway 1 and would not adversely affect the scenic qualities of the area." (Exhibit 4; see also Section 2.3 of this staff report).

The barns and farm labor housing would not be visible where they are proposed, but, as discussed above in the section on habitat, to avoid significant adverse impacts to sensitive habitat they would have to be moved to a location where as designed they would be visible. The surrounding area is agricultural in character and very sparsely developed. The closest visible developments are farmhouses and associated structures that are located at the base of hills. The proposed two-story, 3,040-square-foot horse barn is 31 feet high and significantly taller and larger than most non-commercial barns or stables in the area. Similarly, the 2,500-square-foot, 21-foot tall equipment barn appears larger than most in the vicinity.

2.6.2 Standard of Review

The proposed project is within the California Coastal Zone of San Mateo County, and the County has a certified Local Coastal Program (LCP). Section 30604(b) of the Coastal Act states that after certification of an LCP, a coastal development permit shall be issued if the issuing agency or the Commission on appeal finds that the proposed development is in conformity with the certified LCP. Accordingly, the standard of review for the proposed project is the San Mateo County LCP. Applicable policies are cited in Appendix C.

Several of the policies of the LUP regarding visual resources are applicable to the proposed development. LUP Policy 8.5 requires that development be sited in the least visible location that is consistent with all other LCP requirements. LUP Policies 8.18a. and 8.20 require that the development be designed to avoid or minimize impacts to visual resources. LUP Policy 8.17a. requires that development be located and designed to conform with rather than change landforms. State scenic roads and corridors are defined and designated in LUP Policies 8.28 and 8.29. Development regulations along scenic corridors in rural areas are described in LUP Policy 8.31. LUP Policy 8.31a incorporates the policies of the Scenic Road Element of the County General Plan, of which the applicable policies are 4.46, 4.47, 4.48, and 4.58. General Plan Policy 4.46 allows the County to regulate both site and architectural design of structures in rural scenic corridors to protect the visual quality of those areas. General Plan Policy 4.58 also requires that development be located so that it does not obstruct views from scenic roads or disrupt the visual harmony of the landscape. As with LUP Policy 8.17a, landform alteration is discouraged in General Plan Policy 4.47. Similarly, General Plan Policy 4.48 contains language that is similar to 8.20 regarding size and scale of development.

2.6.3 Discussion

Test 1: Siting

Visibility of Project from Highway 1 and Año Nuevo Reserve

The proposed development site for the residence is on the top of a southwest-facing coastal terrace hillside east of Highway 1, in an unincorporated area of south San Mateo County. This portion of the coast is very sparsely developed, with grazing and row crops occurring on the coastal shelf surrounded by forested lands. The coastal mountains provide a dramatic backdrop to the coastline, rising to elevations of about 1,450 feet. The mountains have dense stands of conifers and shrubs in the drainages and on the upper slopes, but are otherwise covered with grasses that are green in the winter and spring and a golden color in the summer. It is one of the most spectacular, scenic coastal areas in San Mateo County. The California Department of Parks and Recreation's brochure for Año Nuevo State Reserve describes the reserve and vicinity as follows:

> *Fifty-five miles south of San Francisco and the Golden Gate, a low, rocky, windswept point juts out into the Pacific Ocean. The Spanish maritime explorer Sebastian Vizcaino named it for the day on which he sighted it in 1603 - Punta de Año Nuevo - New Year's Point.*
>
> ***Today, the point remains much as Vizcaino saw it from his passing ship - lonely, undeveloped, wild.*** *Elephant seals, sea lions, and other marine mammals come ashore to rest, mate, and give birth in the sand dunes or on the beaches and offshore islands.* ***It is a unique and unforgettable natural spectacle that hundreds of thousands of people come to witness each year****.[Emphasis added]*

The elevation of the parcel ranges from approximately 110 feet above mean sea level (msl) along the southernmost portion of the property near Highway 1 and 380 feet above msl in the northern and western portions of the site. The proposed residential building site is on a flat terrace at approximately 300 feet above msl. Much of the property is located within the Highway 1 and Año Nuevo State Reserve viewshed, with the proposed residential development visible from several locations.

As proposed, the residential complex would be visible from trails in Año Nuevo State Reserve. State Reserves are the highest level of protection classification of the California State Park System. The Public Resources Code describes State Reserves as "consisting of areas of embracing outstanding natural and scenic characteristics of statewide significance" (California Department of Parks and Recreation 2000). In addition, Año Nuevo Point is designated as a National Natural Scenic Landmark. Año Nuevo State Reserve currently is visited by over 200,000 people from around the world annually with more expected in the future (California Department of Parks and Recreation 2000, Enge 1999). Visitors to the Reserve come to see the thousands of elephant seals that breed there as well as to enjoy pristine coastal views looking inland that are not possible from many locations along the coast (Enge 1999). The project site is visible from dunes near the main public trail in the Reserve. It is also visible from the Cascade Creek trail and the Cascade-Whitehouse Creek trail to the east. The project site is also visible for a short distance along Chalks Road to the south, just east of the Cascade Ranch buildings.

Although this road is not currently a public road, it may be acquired at some time in the future and used for a trail. According to California Department of Parks and Recreation, from the Reserve "visitors view pristine coastal mountains with no current intrusive visual impacts" (California Department of Parks and Recreation 2000).

Constraints Analysis and Visual Assessment

To develop a site plan for the residence and other structures, the applicant conducted a constraints analysis and visual assessment of the entire property. This analysis was refined during the coastal development permit application process with the County and further updated for the Commission. The analysis and assessment address LUP Policy 8.5, which requires that the development be sited in the least visible location, consistent with all other LCP requirements. This constraints analysis and visual assessment is described in Exhibit 6 (Wade 2000) and is summarized herein.

The constraints analysis and visual assessment included four phases:

- Phase 1: Constraints Analysis and Mapping.
- Phase 2: Site Selection
- Phase 3: Visual Analysis
- Phase 4: Visual Protection

In Phase 1, the applicant analyzed constraints related to scenic corridors, prime soils, sensitive habitats, geologic stability, and slopes. These constraints are presented on maps. Map 1 of Exhibit 5 shows the areas visible from public roads and trails (Highway 1, Cascade Creek Trail, Cascade Creek-Whitehouse Trail, and Año Nuevo trails). Initially the applicant looked at land that would be visible at ground level. Then, in response to discussions with Commission staff, they considered areas where a 12-foot-high object would be seen, simulating a structure that might be built on the property. The resulting map demonstrates that much of the property would be seen from public roads and trails.

The prime soils map (Map 2 of Exhibit 5) shows the Lockwood soils and Botella loam, which are Class II and III (capable of growing artichokes or brussel sprouts) (US Department of Agriculture 1961). Only buildings necessary for agriculture are allowed in prime soils. On the property, sensitive habitats, as defined in LCP Policy 7.1, include those that contain or support rare or endangered species, perennial and intermittent streams and their tributaries, and lakes and ponds and adjacent shore habitat. Map 3 of Exhibit 5 shows the location of creeks and ponds and riparian habitat, which are considered sensitive habitats because of the functions and values they provide, including providing habitat for sensitive species found in the area, such as San Francisco garter snake, red-legged frogs, and pond turtles[4]. The Geologic Stability map (Map 4 of Exhibit 5) shows geologic hazard zones, ranging from low to high, based primarily on the location of faults and landslides. Exhibit 7 explains the rationale in greater detail (Zinn 2000b). The slopes map (Map 5 of Exhibit 5) shows that approximately 28 percent of the property, or

[4] Map 3 of Exhibit 5 shows only wetlands and riparian areas and does not indicate upland habitat for snakes, frogs, and turtles.

74.25 acres, has slopes over 30 percent. Overlaying all the constraints maps together, only six areas remained that would provide building sites (Map 6 of Exhibit 5).

The six remaining building sites were examined in greater detail in Phase 2. The potential sites were eliminated, except for Site D for the horse barn and Site E for the house, because they were too small, too steep, higher geologic risk, or inaccessible (see Exhibit 5). To minimize visual impacts, the house was placed in the farthest northeast corner of the building site where it would be screened to the maximum extent by the broad coastal terrace in front and the forest behind. The house would be placed near the edge of the slope on the northeast side of the coastal terrace, as close to the edge as was recommended by the geologic consultants (Zinn Geology). Further east would have put the house too close to the San Gregorio fault, in the opinion of the applicant's geologist (Zinn 2000b).

Once the house site was chosen, the applicant conducted a visual analysis (Phase 3) with the aid of a 34-foot story pole. This analysis revealed four public locations from which the house could be seen, as shown on Figure 10 and described below:

- View corridor 1: Cascade Ranch Drive at Highway 1, 3,200 feet from site;
- View corridor 2: Cascade Ranch Trail, 0.9 miles from site;
- View corridor 3: Cascade Trail at Coast, 1.25 miles from site; and
- View corridor 4: Año Nuevo dunes, 2.2 miles from site.

In Phase 4, the applicant developed methods to screen the portion of the house that would be visible from the view corridors identified in Phase 3. For the county-approved project, the applicant proposed to plant 67 trees that were 10 to 16 feet tall (24 to 36-inch boxes), and to install an irrigation system. In addition, he proposed four-foot high berms behind the planted trees and 33 additional trees to be planted on top of the berms. However, four-foot berms, which were included in the county-approved project, would only partially hide the residential structures.

The revised plan presented to the Commission includes revisions to the berms, the design of the house, and the landscaping. First, the revised plans combine the four berms so that there would be two berms ranging from seven feet to twelve feet. The first berm (Berm 1) would include a 20-foot by 60-foot earth-covered storage area to reduce the amount of fill necessary. To reduce the fill in the second berm (Berm 4), three 20,000-gallon water tanks will be placed inside it. Secondly, the roofline would be four feet, eight inches lower than on the county-approved house. Figures 11 through 18 show that approximately five feet of the roof would be visible with the berms alone. To completely screen the house, shrubs that reach at least five feet at maturity would be planted on top of the berm to completely screen the house. Trees would also be planted to further screen the house.

In conclusion, the applicant has demonstrated that he did a thorough analysis of the entire 261-acre parcel to determine the least visible location for siting the house taking into account sites that are constrained by greater visibility, prime soils, sensitive habitats, geologic hazards, steep slopes, and access difficulties.

Least Visible Site Consistent with All Other LCP Policies

LUP Policy 8.5 requires that development be located where it is **least visible consistent with all other LCP requirements**. In its location on one of the higher plateaus on the property, and given its large size and three-story height, approximately five feet of the roofline of the residential complex would be visible behind the proposed berms to vehicles traveling south and north on Highway 1, which is a state scenic road, and from Año Nuevo State Reserve. The property, which comprises 261 acres, includes ridge lines and existing, mature trees and other vegetation that block views of some portions of the property from the highway and the reserve. Consequently, it appears that the property contains potential alternative building sites that are less visible from the highway and reserve. However, other potential alternative sites present conflicts with sensitive habitat, agricultural, and hazards policies of the LCP. As explained in Section 2.4.3 of this staff report, the site where the residence is proposed is not considered sensitive habitat. Based on a constraints analysis and visibility survey conducted by the applicant, the Commission concludes that the residence is proposed for the least visible location that is consistent with all other LCP requirements, in accordance with LUP Policy 8.5.

However, as discussed in Section 2.4.3 of this staff report, the horse barn, equipment barn, and (new) farm labor housing would be sited in sensitive habitat and therefore, would not be consistent with sensitive habitat policies of the LCP. Because the proposed siting location of the barns and farm labor housing would be inconsistent with sensitive habitat policies of the LCP, the proposed locations would also be inconsistent with LUP Policy 8.5. The wetland areas as well as grasslands provide critical habitat for San Francisco garter snake and California red-legged frog. The barns and farm labor housing would be 50 to 400 feet from the creek channel on the side of the property where most of the dispersal routes for the listed snake and frog take place. Therefore, the barns and farm labor housing would be in sensitive habitat. Hence, locating the barns and farm labor housing along the creek where proposed would be inconsistent with LUP Policy 8.5 because it would not be consistent with sensitive habitat and visual policies of the LCP. Therefore, the barns and farm labor housing must be resited to the least visible site consistent with all other LCP policies.

Special Condition 2A requires that the barns and farm labor housing be sited in the valley south of the proposed residence, which would be the least visible site, based on the constraints analysis and Commission staff review, that would not conflict with sensitive habitat, agricultural, or any other policies of the LCP.

Test 2: Scale, Design, and Landform Alteration

Development Should Be As Unobtrusive As Possible

The proposed main residence is inconsistent with LUP Policy 8.18a. and 8.31a. because it is not designed to protect views from Highway 1 and Año Nuevo State Reserve, is not visually compatible with the character of the surrounding area, and would not be subordinate to the character of its setting.

Policy 8.18a. requires development to blend with and be subordinate to the environment and the character of the area and be as **unobtrusive as possible** through, but not limited to, **siting, design, layout, size, height, shape**, materials, colors, access, and landscaping. General Plan Policy 4.46, which is incorporated by reference in Policy 8.31a, allows the County to regulate both site and architectural design of structures in rural scenic corridors to protect the visual

quality of those areas. General Plan Policy 4.58, also incorporated by reference in Policy 8.31a., also requires that development be located so that it does not obstruct views from scenic roads or disrupt the visual harmony of the landscape. As modified for purposes of the Commission's de novo review, the proposed residence is a 15,780-square-foot, three-story residential development that is approximately 30.5 feet high. The main residence, including sleeping barn, living barn, and pool house, extends approximately 184 feet across (does not include mostly below ground portion between the living barn and pool house) facing southeast towards Highway 1 and Año Nuevo State Reserve. Despite the proposed berms, without scrub vegetation approximately five feet of the roof of the proposed sleeping barn and living barn would be visible from public viewpoints. From end to end, the length of the five outer bedrooms facing southwest towards Highway 1 and Año Nuevo State Reserve is approximately 213 feet, including open space between the bedroom buildings. The outer bedrooms appear as five separate cottages rather than part of the main development, but are considered part of the main residence because they are connected to it and each other by underground tunnels. As proposed, the satellite bedrooms have no impact to public scenic views.

Existing vegetation and landforms would not completely screen the main residence as proposed. The proposed screening relies on trees to fully hide the residence. Trees may develop diseases that kill or weaken them, revealing structures placed behind them. The Commission finds that the proposed residence is inconsistent with LUP Policy 8.18b because additional screening could be added to minimize the visibility of the development from Highway 1 and Año Nuevo State Reserve. Conditions to bring the proposed residence into conformity with Policies 8.18 and 8.31 are addressed below.

The proposed development is consistent with LUP Policy 8.17 regarding landform alteration. 8.17b requires that pre-existing topographic contours be restored, "except to the extent necessary to comply with the requirements of Policy 8.18." The proposed development requires berms to screen the residential complex from scenic roads and public viewpoints. Condition 2C requires that the berms be designed to appear part of the existing topography and to be vegetated with native plants. As seen from Highway 1, the Cascade Trail, and Año Nuevo State Reserve the berms will appear natural. Therefore, as conditioned, the Commission finds that the proposed berms will not result in significant alteration of natural landforms, consistent with the requirements of LUP Policy 8.17.

Structure Does Not Relate in Size and Scale to Adjacent Buildings or Landforms

LUP Policy 8.20 requires development to be related in size and scale to adjacent buildings and landforms. There are very few structures visible from Highway 1 and the State Reserve within several miles of the site. Developments to the north, starting just north of Gazos Creek, are the Vlasic Mushroom Farm, a gas station and restaurant, and the Coastanoa resort. To the south are the Cascade Ranch farm buildings, a ranch house, and a flower operation on the west side. Further south is a berry farm and the Boling house. The Coastanoa campsite is partially hidden behind a berm, but the white canvas roofs and main buildings make it fairly visible. The 6,000 square-foot Boling residence is inland (to the southeast) of K & S Ranch at APN 057-061-17 on 14 acres. The Boling house is within the view corridor of the highway, and its visibility is tempered somewhat by its greater inland distance (approximately 0.6 mile from Highway 1) and relatively narrower view corridor between the house and the highway as compared to the

approved residence at the K & S Ranch. In fact, despite its distance from the highway, the Boling house helps to provide a benchmark for understanding the potential for adverse impact from such large residential development within this critical viewshed area. The most prominent structure visible from within the Park is the Año Nuevo visitor's center itself. The visitor's center approximates a large agricultural barn and is compatible with the overall Park ethic. Most of these developments are either on the lower coastal terrace, screened from view, and/or directly associated with agriculture. Therefore, the K & S Ranch residence would be the first very large residence not associated with commercial agriculture in the immediate area that would be visible from the highway, and would be visible from distant views at Año Nuevo State Reserve. Given the size and scale of the proposed structures and the fact that there are few existing buildings in the area, the Commission finds that the proposed project is inconsistent with LUP Policy 8.20. Accordingly, as discussed further below, the Commission finds it necessary to impose conditions to bring the proposed residence into conformity with the above-identified visual resource policies.

The proposed 31-foot-high, 3,040-square-foot horse barn and 21-foot tall, 2,500-square-foot equipment barn are significantly taller and larger than most non-commercial barns or stables in the area. According to a review of past Commission actions and local notices, the average size of horse barns that were granted coastal development permits in San Mateo County is approximately 2,300 square feet and 22 feet high. The average size of equipment barns in San Mateo County and Marin County is 1,387 square feet and 19 feet high. According to San Mateo County, the average size of a stall is 16 feet by 12 feet, but 12 feet by 12 feet is acceptable. Tack rooms and feed/grain storage areas are usually included in the barn and vary in size. With six horses and each stall being 192 square feet, the barn would be 1,152 square feet without a tack room and storage area. The proposed horse barn includes two stalls for each horse, thereby providing a separate grooming stall for each horse. However, according to commercial and private stable operators, horses usually stay outside, even in the rain, and structures are generally used just for grooming and feeding (Mayer 2001). Therefore, it does not appear necessary to have more than one stall per horse, which would significantly reduce the size of the barn.

Special Conditions 2 and 3 address potential impacts to visual resources associated with scale, design, and landform alteration as well as siting, which is described above. To ensure that no portion of the house, including the chimney, and all other structures will not be visible from Highway 1 or Año Nuevo State Reserve, Special Condition 2A requires the submittal of building plans and other evidence to demonstrate that no portion of the structures are visible from public viewpoints or scenic roads. In accordance with Special Condition 2B the driveway is required to be colored to blend in with the grassland. To screen the residence from public viewshed and scenic roads, berming plans are also required in Special Condition 2C. Special Condition 2D specifies requirements for the types of vegetation to be used in landscaping plans to make the berms look more natural, as well as maintain existing vegetation. Special Condition 3 requires the applicant to record a deed restriction on the property to notify successors in interest restrictions on exterior materials and lighting to reduce visual impacts.

2.6.4 Conclusion

In conclusion, the Commission finds that, as conditioned, the proposed development is consistent with the visual and scenic resource policies of the LCP as the project has been sited and designed

to minimize visual impacts, will be subordinate to the character of its setting, and will provide for the protection of coastal views.

2.7 Water Quality/Polluted Runoff

The Commission approves the permit application because the proposed project, as conditioned, protects sensitive habitats from water quality impacts associated with erosion and runoff and therefore maintains the biologic productivity of habitats.

2.7.1 Issue Summary

Development is proposed 100 to 400 feet from a riparian corridor. Special conditions to protect water quality in the tributary and open water areas address runoff and erosion control to ensure that the sensitive habitat of the unnamed drainage in Deluca Valley is not adversely affected.

2.7.2 Standard of Review

The standard of review is LCP policy 7.3, which states:

> *7.3 Protection of Sensitive Habitats*
>
> *a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.*
> *b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.*

Runoff from construction areas and developed areas may contain sediment and pollutants that may adversely affect water quality in sensitive habitats.

2.7.3 Discussion

An unnamed tributary to Cascade Creek crosses the site from east to west in Deluca Valley. Two man-made ponds are connected to this tributary. The riparian habitat and open water/freshwater wetlands of the tributary and ponds provide habitat for a diversity of plant and wildlife species, including special status species, as discussed in Section 2.4 above. The existing access road runs along the north side of the tributary. The proposed (and existing) farm labor housing would be located 50 feet from the tributary. The proposed stable would be in the creek valley approximately 400 feet north of the tributary. The proposed residence would be on a hill approximately 325 feet above the tributary.

Due to the proximity of the development to the riparian corridor, water quality may be adversely affected. For instance, during grading and construction, bare soils could erode and sediment could be transported into the riparian area. The residence, other structures, and paved areas may increase local runoff due to the creation of impervious areas. This runoff could carry with it pollutants such as suspended solids, oil and grease, nutrients, and synthetic organic chemicals. An increase in the volume and/or velocity of water in the riparian area or an increase in sediment entering the area may decrease the riparian vegetation bordering the tributary. This decrease in riparian vegetation could result in changes, such as an increase in water temperature, which would adversely affect aquatic organisms in the creek. Pollutants would also adversely affect

aquatic organisms. Animal wastes, such as from the proposed stables, could lead to an increase in nutrients in the riparian system and eutrophication. All of these impacts may adversely affect the biological productivity of the riparian area.

As discussed above in the section on habitat protection, Special Condition 2A requires that the horse barn, equipment barn, and farm labor housing unit be moved out of sensitive habitat to an area approximately 1,200 feet south of the unnamed drainage in the Deluca Valley. This alleviates some of the potential water quality impacts, but the house is still approximately 350 feet from the unnamed drainage in the Deluca Valley.

Special Conditions 7, 8, and 9 are designed to ensure that the proposed project complies with LCP Policy 7.3 by reducing erosion and associated sediment loads, and reducing the amount of pollutants that enter sensitive habitats, such as riparian corridors and wetlands on the property. These conditions would therefore allow the proposed uses to be compatible with the maintenance of biologic productivity of the habitats. Special Condition 8 addresses water quality impacts that may occur during the construction period. It requires the applicant to submit plans for erosion control that show how the transport and discharge of sediment and pollutants from the site will be minimized, thereby reducing potential effects to biologic productivity. BMPs required by Special Condition 8A(4) reduce the potential for pollutants, such as oil and grease from construction vehicles, to enter the unnamed drainage in Deluca Valley. Special Condition 8B requires monitoring and maintenance during the construction period. Special Condition 9 addresses post-construction drainage and runoff control. It requires submittal of a Stormwater Pollution and Prevention Plan to demonstrate how the volume and water quality of runoff from the development will be controlled. Special Condition 9B requires post-construction maintenance and monitoring to be included in the plan. The manure management plan required by Special Condition 9 reduces the potential for degradation of water quality from animal wastes.

2.7.4 Conclusion

The Commission finds that, as conditioned, the proposed development is consistent with the sensitive habitat policy of the LCP through which water quality is protected. As conditioned, impacts associated with erosion and runoff have been minimized so as to prevent impacts that could significantly degrade sensitive habitats.

2.8 Development Review

Although the proposed development will likely use more water than a smaller residence, it is in conformance with LUP Policy 1.8.

2.8.1 Issue Summary

The proposed development has one density credit, thereby allowing the development of one single-family residence, as proposed.

2.8.2 Standard of Review

LUP Policy 1.8 requires the determination of density credits for new or expanded non-agricultural development. Essentially, one density credit allows the development of one single-family residential dwelling. LUP Policy 1.8c.(2)(a) states that "a single-family dwelling unit

shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses)."

LUP Policy 1.23 and associated Table 1.4 define the number of developments that can occur in a year within particular watersheds. The purpose is to limit development in rural areas so that it does not overburden coastal resources or public services.

In accordance with Section 6356 of the Implementation Plan, farm labor housing is exempt from the density provisions.

2.8.3 Discussion

San Mateo County determined that the Blank property qualified for one density credit, (Exhibit 5, Condition 4). This means that on the entire parcel, only one residence can be constructed. Smaller lot sizes and increased multi-family housing generally lower per capita water use (Department of Water Resources 2001). Conversely, larger dwellings, such as the one proposed, are likely to use more water than the average household and more than the 315 gallons per day allowed per density credit. Nevertheless, the LCP does not define the size of the house and appurtenances allowable per density credit. There is no provision of the LCP that requires additional density credits based on the scale of a single-family residential development. In addition, farm labor housing is exempt from the density provisions.

2.8.4 Conclusion

Although the proposed single family residence will likely use more water than a smaller residence, it is in conformance with LUP Policy 1.8.

2.9 Alleged Violation

Development consisting of construction of a culvert replacement, patio, 1.17 miles of trails, and the placement of a caretaker's trailer along the unnamed drainage in Deluca Valley has taken place without the benefit of a coastal development permit. Although development has taken place prior to receipt of a coastal development permit from the County or Commission, consideration of the application by the Commission has been based solely on the policies of the San Mateo County LCP. Approval of the permit application does not constitute a waiver of any legal action with regard to the alleged violation, nor does it constitute an admission as to the legality of any development undertaken on the site without a coastal development permit.

2.10 California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

The Commission incorporates its preceding findings on consistency of the proposed project with the San Mateo County LCP policies at this point as if set forth in full. These findings address and respond to public comments regarding potential significant adverse environmental effects of the

project that were received prior to preparation of the staff report. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the development may have on the environment. Therefore, the Commission finds that the proposed project has been conditioned to mitigate the identified impacts and can be found consistent with Coastal Act requirements to conform to CEQA.

Appendix A
Substantive File Documents

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Appendix B
Summary of Areas of Residential Complex

	Room Number	Room Name	Square Feet
Sleeping Barn and Bedrooms	B11	Bedroom 1	329.61
	B12	Bathroom 1	63.25
	B21	Bedroom 2	432.44
	B22	Bathroom 2	88
	B31	Bedroom 3	291.85
	B32	Bathroom 3	95.12
	B41	Bedroom 4	291.48
	B42	Bathroom 4	96.18
	B50	Bedroom 5	115.83
	B51	Sitting area	339.74
	B52	Bathroom 5	59.73
	S202	Hallway	246.75
	S203	Family room	265.23
	S204	Bathroom 6	57.21
	S205	Laundry	66.91
	S206	Master bedrm. (6)	496.3
	S207	Master bath (7)	176.14
	S208	Closet	87.67
	S303	Bedroom 7	219.92
	S304	Bathroom 8	176.77
	S305	Bedroom 8	219.73
Subtotal			4215.86
Living Barn			
	109	T.V. room	454.12
	110	Bathroom 9	61.83
	203	Living room	1,039.50
	204	Dining room	483
	205	Corridor	267.97
	207	Closet	47.7
	208	Wc	67.17
	209	Kitchen	311.97
	210	Breakfast nook	190.94
	211	Pantry	49.94
	301	Office	100.04
	302	Connector	79.28
	304	Loft	629.21
	305	Sleeping porch	192.3
	306	Bathroom 10	58.73
Subtotal			4,033.70

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Library	L201	Stairs	66.65
	L202	Library	392.56
	L203	Office	222.44
	L204	Vest.	54
	L205	Bathroom 11	49.98
Subtotal			785.63
Pool House	P202	Bathroom 12	75.01
	P203	Changing	46.03
	P204	Laundry	74.58
Subtotal			195.62
Sum of Living Areas			**9,230.81**
Basements required by Seismic Structure	104	Electrical	84.67
and Unconditioned Circulation Space	105	Trash	83.34
	106	Stairs	87.18
	107	Corridor	126.97
	108	Garage	1,355.04
	L102	Structural space	704.93
	P1O1	Equipment room	737.85
	S102	Stairs	136.27
	S103	Structural space	357.15
	B101	Tunnel	932.69
	B103	Tunnel	1,310.78
	212	Atrium	632.65
Subtotal			**6549.52**
Total All Areas			**15,780.33**

Source: Sagan-Pichota Architecture 2000c.

Appendix C
Referenced Policies

COASTAL ACT

Section 30604

(b) After certification of the local coastal program, a coastal development permit shall be issued if the issuing agency or the commission on appeal finds that the proposed development is in conformity with the certified local coastal program.

Section 30610

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.

(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.

(c) Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(2) As used in this subdivision:

(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

(i) (1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is

necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).

(Amended by Ch. 1075, Stats. 1978.)
(Amended by Ch. 919, Stats. 1979.)
(Amended by Ch. 43, Stats. 1982.)
(Amended by Ch. 1470, Stats. 1982.)
(Amended by Ch. 1088, Stats. 1992.)

SAN MATEO LOCAL COASTAL PLAN

Land Use Plan

*1.8 Land Uses and Development Densities in Rural Areas

a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses up to the densities specified in Tables 1.2 and 1.3.

c. (1) Require Density Credits for Non-Agricultural Uses

Require density credits for all new or expanded non-agricultural land uses in rural areas, including all residential uses, except affordable housing (to the extent provided in Local Coastal Program Policy 3.23) and farm labor housing, as defined in Local Coastal Program Policy 3.28, mining in accordance with General Plan Policies 3.11 and 3.12, and solid waste facilities under the policies in General Plan Chapter 13. The existence and number of density credits on a parcel shall be determined by applying Table 1.3.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this policy for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program.

(2) Amount of Development Allowed for Non-Agricultural Uses, Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall

be required for each 315 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. This requirement applies to water use by or resulting from the non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

(a) Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

(b) Non-Agricultural Uses Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

*5.1 Definition of Prime Agricultural Lands

Define prime agricultural lands as:

a. All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.

b. All land which qualifies for rating 80-100 in the Storie Index Rating.

c. Land which supports livestock for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.

d. Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than $200 per acre.

e. Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than $200 per acre within three of the five previous years.

The $200 per acre amount in subsections d. and e. shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.

*5.3 Definition of Lands Suitable for Agriculture

Define other lands suitable for agriculture as lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.

*5.5 Permitted Uses on Prime Agricultural Lands Designated as Agriculture

a. Permit agricultural and agriculturally related development on prime agricultural lands. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, stables for farm animals, fences, water wells, well covers, pump houses, and water storage tanks, water impoundments, water pollution control facilities for agricultural purposes, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) soil-dependent greenhouses and nurseries; and (4) repairs, alterations, and additions to existing single-family residences.

b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) public recreation and shoreline access trails, (4) non-soil-dependent greenhouses and nurseries, (5) onshore oil and gas exploration, production, and minimum necessary related storage, (6) uses ancillary to agriculture, (7) permanent roadstands for the sale of produce, provided the amount of prime agricultural land converted does not exceed one-quarter (1/4) acre, (8) facilities for the processing, storing, packaging and shipping of agricultural products, and (9) commercial wood lots and temporary storage of logs.

*5.6 Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture

a. Permit agricultural and agriculturally related development on land suitable for agriculture. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purpose, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) dairies; (4) greenhouses and nurseries; and (5) repairs, alterations, and additions to existing single-family residences.

b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) multi-family residences if affordable housing, (4) public recreation and shoreline access trails, (5) schools, (6) fire stations, (7) commercial recreation including country inns, stables, riding academies, campgrounds, rod and gun clubs, and private beaches, (8) aquacultural activities, (9) wineries, (10) timber harvesting, commercial wood lots, and storage of logs, (11) onshore oil and gas exploration, production, and storage, (12) facilities for the processing, storing, packaging and shipping of agricultural products, (13) uses ancillary to agriculture, (14) dog kennels and breeding facilities, (15) limited, low intensity scientific/technical research and test facilities, and (16) permanent roadstands for the sale of produce.

*5.8 Conversion of Prime Agricultural Land Designated as Agriculture

a. Prohibit conversion of prime agricultural land within a parcel to a conditionally permitted use unless it can be demonstrated:

(1) That no alternative site exists for the use,

(2) Clearly defined buffer areas are provided between agricultural and non-agricultural uses,

(3) The productivity of any adjacent agricultural land will not be diminished, and

(4) Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

b. In the case of a recreational facility on prime agricultural land owned by a public agency, require the agency:

(1) To execute a recordable agreement with the County that all prime agricultural land and other land suitable for agriculture which is not needed for recreational development or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture, and

(2) Whenever legally feasible, to agree to lease the maximum amount of agricultural land to active farm operators on terms compatible with the primary recreational and habitat use.

*5.10 Conversion of Land Suitable for Agriculture Designated as Agriculture

a. Prohibit the conversion of lands suitable for agriculture within a parcel to conditionally permitted uses unless all of the following can be demonstrated:

(1) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;

(2) Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act;

(3) Clearly defined buffer areas are developed between agricultural and non-agricultural uses;

(4) The productivity of any adjacent agricultural lands is not diminished;

(5) Public service and facility expansions and permitted uses do not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

b. For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions (3), (4) and (5) in subsection a. are satisfied.

*5.11 Maximum Density of Development Per Parcel

a. Limit non-agricultural development densities to those permitted in rural areas of the Coastal Zone under the Locating and Planning New Development Component.

b. Further, limit non-agricultural development densities to that amount which can be accommodated without adversely affecting the viability of agriculture.

c. In any event, allow the use of one density credit on each legal parcel.

d. A density credit bonus may only be allowed for the merger of contiguous parcels provided that (1) the density bonus is granted as part of a Coastal Development Permit, (2) a deed restriction is required as a condition of approval of that Coastal Development Permit, (3) the deed restriction requires that any subsequent land division of the merged property shall be consistent with all other applicable LCP policies, including Agriculture Component Policies, and shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation, and (4) the Coastal Development Permit is not in effect until the deed restriction is recorded by the owner of the land. The maximum bonus shall be calculated by:

(1) Determining the total number of density credits on all parcels included in a master development plan; and

(2) Multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits on the separate parcels prior to merger plus the bonus calculated under this subsection. The total number of density credits may be used on the merged parcel. Once a parcel or portion of a parcel has been part of a merger for which bonus density credit has been given under this subsection, no bonus credit may be allowed for any subsequent merger involving that parcel or portion of a parcel.

e. Density credits on parcels consisting entirely of prime agricultural land, or of prime agricultural land and land which is not developable under the Local Coastal Program, may be transferred to other parcels in the Coastal Zone, provided that the entire parcel from which credits are transferred is restricted permanently to agricultural use by an easement granted to the County or other governmental agency. Credits transferred may not be used in scenic corridors or on prime agricultural lands; they may be used only in accordance with the policies and standards of the Local Coastal Program.

*7.1 Definition of Sensitive Habitats

Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes.

Sensitive habitat areas include, but are not limited to, riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species.

*7.3 Protection of Sensitive Habitats

a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.

b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

*7.4 Permitted Uses in Sensitive Habitats

a. Permit only resource dependent uses in sensitive habitats. Resource dependent uses for riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs and habitats supporting rare, endangered, and unique species shall be the uses permitted in Policies 7.9, 7.16, 7.23, 7.26, 7.30, 7.33, and 7.44, respectively, of the County Local Coastal Program on March 25, 1986.

b. In sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations.

7.5 Permit Conditions

a. As part of the development review process, require the applicant to demonstrate that there will be no significant impact on sensitive habitats. When it is determined that significant impacts may occur, require the applicant to provide a report prepared by a qualified professional which provides: (1) mitigation measures which protect resources and comply with the policies of the Shoreline Access, Recreation/Visitor-Serving Facilities and Sensitive Habitats Components, and (2) a program for monitoring and evaluating the effectiveness of mitigation measures. Develop an appropriate program to inspect the adequacy of the applicant's mitigation measures.

b. When applicable, require as a condition of permit approval the restoration of damaged habitat(s) when in the judgment of the Planning Director restoration is partially or wholly feasible.

7.7 Definition of Riparian Corridors

Define riparian corridors by the "limit of riparian vegetation" (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

7.8 Designation of Riparian Corridors

Establish riparian corridors for all perennial and intermittent streams and lakes and other bodies of freshwater in the Coastal Zone. Designate those corridors shown on the Sensitive Habitats Map and any other riparian area meeting the definition of Policy 7.7 as sensitive habitats requiring protection, except for manmade irrigation ponds over 2,500 sq. ft. surface area.

7.9 Permitted Uses in Riparian Corridors

a. Within corridors, permit only the following uses: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4) trails and scenic overlooks on public land(s), and (5) necessary water supply projects.

b. When no feasible or practicable alternative exists, permit the following uses: (1) stream dependent aquaculture, provided that non-stream dependent facilities locate outside of corridor, (2) flood control projects, including selective removal of riparian vegetation, where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, (3) bridges when supports are not in significant conflict with corridor resources, (4) pipelines, (5) repair or maintenance of roadways or road crossings, (6) logging operations which are limited to temporary skid trails, stream crossings, roads and landings in accordance with State and County timber harvesting regulations, and (7) agricultural uses, provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels.

7.10 Performance Standards in Riparian Corridors

Require development permitted in corridors to: (1) minimize removal of vegetation, (2) minimize land exposure during construction and use temporary vegetation or mulching to protect critical areas, (3) minimize erosion, sedimentation, and runoff by appropriately grading and replanting modified areas, (4) use only adapted native or non-invasive exotic plant species when replanting, (5) provide sufficient passage for native and anadromous fish as specified by the State Department of Fish and Game, (6) minimize adverse effects of waste water discharges and entrainment, (7) prevent depletion of groundwater supplies and substantial interference with surface and subsurface waterflows, (8) encourage waste water reclamation, (9) maintain natural vegetation buffer areas that protect riparian habitats, and (10) minimize alteration of natural streams.

7.11 Establishment of Buffer Zones

a. On both sides of riparian corridors, from the “limit of riparian vegetation” extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.

b. Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the predictable high water point for perennial streams and 30 feet from the midpoint of intermittent streams.

c. Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point except for manmade ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.

7.12 Permitted Uses in Buffer Zones

Within buffer zones, permit only the following uses: (1) uses permitted in riparian corridors, (2) residential uses on existing legal building sites, set back 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists, (3) in Planned Agricultural, Resource Management and Timber Preserve Districts, residential structures or impervious surfaces only if no feasible alternative exists, (4) crop growing and grazing consistent with Policy 7.9, (5) timbering in "streamside corridors" as defined and controlled by State and County regulations for timber harvesting, and (6) no new residential parcels shall be created whose only building site is in the buffer area.

7.13 Performance Standards in Buffer Zones

Require uses permitted in buffer zones to: (1) minimize removal of vegetation, (2) conform to natural topography to minimize erosion potential, (3) make provisions (i.e., catch basins) to keep runoff and sedimentation from exceeding pre-development levels, (4) replant where appropriate with native and non-invasive exotics, (5) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor, (6) remove vegetation in or adjacent to manmade agricultural ponds if the life of the pond is endangered, (7) allow dredging in or adjacent to manmade ponds if the San Mateo County Resource Conservation District certified that siltation imperils continued use of the pond for agricultural water storage and supply, and (8) require motorized machinery to be kept to less than 45 dBA at any wetland boundary except for farm machinery and motorboats.

7.14 Definition of Wetland

Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and manmade impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernally wet areas where the soils are not hydric.

In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf

cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

7.15 Designation of Wetlands

a. Designate the following as wetlands requiring protection: Pescadero Marsh, Pillar Point Marsh (as delineated on Map 7.1), marshy areas at Tunitas Creek, San Gregorio Creek, Pomponio Creek and Gazos Creek, and any other wetland meeting the definition in Policy 7.14.

b. At the time a development application is submitted, consider modifying the boundary of Pillar Point Marsh (as delineated on Map 7.1) if a report by a qualified professional, selected jointly by the County and the applicant, can demonstrate that land within the boundary does not meet the definition of a wetland.

7.16 Permitted Uses in Wetlands

Within wetlands, permit only the following uses: (1) nature education and research, (2) hunting, (3) fishing, (4) fish and wildlife management, (5) mosquito abatement through water management and biological controls; however, when determined to be ineffective, allow chemical controls which will not have a significant impact, (6) diking, dredging, and filling only as it serves to maintain existing dikes and an open channel at Pescadero Marsh, where such activity is necessary for the protection of pre-existing dwellings from flooding, or where such activity will enhance or restore the biological productivity of the marsh, (7) diking, dredging, and filling in any other wetland only if such activity serves to restore or enhance the biological productivity of the wetland, (8) dredging manmade reservoirs for agricultural water supply where wetlands may have formed, providing spoil disposal is planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation, and (9) incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

7.17 Performance Standards in Wetlands

Require that development permitted in wetlands minimize adverse impacts during and after construction. Specifically, require that: (1) all paths be elevated (catwalks) so as not to impede movement of water, (2) all construction takes place during daylight hours, (3) all outdoor lighting be kept at a distance away from the wetland sufficient not to affect the wildlife, (4) motorized machinery be kept to less than 45 dBA at the wetland boundary, except for farm machinery, (5) all construction which alters wetland vegetation be required to replace the vegetation to the satisfaction of the Planning Director including “no action” in order to allow for natural reestablishment, (6) no herbicides be used in wetlands unless specifically approved by the County Agricultural Commissioner and State Department of Fish and Game, and (7) all projects be reviewed by the State Department of Fish and Game and State Water Quality Board to determine appropriate mitigation measures.

7.18 Establishment of Buffer Zones

Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.

7.19 Permitted Uses in Buffer Zones

Within buffer zones, permit the following uses only: (1) uses allowed within wetlands (Policy 7.16) and (2) public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands.

7.32 Designation of Habitats of Rare and Endangered Species

Designate habitats of rare and endangered species to include, but not be limited to, those areas defined on the Sensitive Habitats Map for the Coastal Zone.

7.33 Permitted Uses

a. Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.

b. If the critical habitat has been identified by the Federal Office of Endangered Species, permit only those uses deemed compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

7.34 Permit Conditions

In addition to the conditions set forth in Policy 7.5, require, prior to permit issuance, that a qualified biologist prepare a report which defines the requirements of rare and endangered organisms. At minimum, require the report to discuss: (1) animal food, water, nesting or denning sites and reproduction, predation and migration requirements, (2) plants life histories and soils, climate and geographic requirements, (3) a map depicting the locations of plants or animals and/or their habitats, (4) any development must not impact the functional capacity of the habitat, and (5) recommend mitigation if development is permitted within or adjacent to identified habitats.

7.35 Preservation of Critical Habitats

Require preservation of all habitats of rare and endangered species using criteria including, but not limited to, Section 6325.2 (Primary Fish and Wildlife Habitat Area Criteria) and Section 6325.7 (Primary Natural Vegetative Areas Criteria) of the Resource Management Zoning District.

7.36 San Francisco Garter Snake

a. Prevent any development where there is known to be a riparian or wetland location for the San Francisco garter snake with the following exceptions: (1) existing manmade impoundments smaller than one-half acre in surface, and (2) existing manmade impoundments greater than one-half acre in surface providing mitigation measures are taken to prevent disruption of no more than one half of the snake's known habitat in that location in accordance with recommendations from the State Department of Fish and Game.

b. Require developers to make sufficiently detailed analyses of any construction which could impair the potential or existing migration routes of the San Francisco garter snake. Such analyses will determine appropriate mitigation measures to be taken to provide for appropriate migration corridors.

7.44 Permitted Uses

Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to the degree specified by existing governmental regulations.

7.48 Monterey Pine

a. Require any development to keep to a minimum the number of native Monterey pine cut in the natural pine habitat near the San Mateo-Santa Cruz County line.

b. Allow the commercial cutting of Monterey pine if it: (1) perpetuates the long-term viability of stands, (2) prevents environmental degradation, and (3) protects the viewshed within the Cabrillo Highway Scenic Corridor.

c. To preserve the productivity of prime agricultural soils, encourage the control of invasive Monterey pine onto the soils.

7.51 Voluntary Cooperation

Encourage the voluntary cooperation of private landowners to remove from their lands the undesirable pampas grass, French, Scotch and other

invasive brooms. Similarly, encourage landowners to remove blue gum seedlings to prevent their spread.

8.5 Location of Development

a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.

*8.17 Alteration of Landforms; Roads and Grading

a. Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.

c. Control development to avoid the need to construct access roads visible from State and County Scenic Roads. Existing private roads shall be shared wherever possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation, or convert agricultural soils. In such cases, build new access roads to minimize alteration of existing landforms and natural characteristics.

8.18 Development Design

a. Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.

The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. Greenhouse development shall be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site.

b. Require screening to minimize the visibility of development from scenic roads and other public viewpoints. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.

8.20 Scale

Relate structures in size and scale to adjacent buildings and landforms.

8.28 Definition of Scenic Corridors

Define scenic corridors as the visual boundaries of the landscape abutting a scenic highway and which contain outstanding views, flora, and geology, and other unique natural or manmade attributes and historical and cultural resources affording pleasure and instruction to the highway traveler.

8.29 Designation of Officially Adopted State Scenic Roads and Corridors

Recognize officially adopted State Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway south of Half Moon Bay city limits (State Route 1) and Skyline Boulevard (State Route 35).

8.31 Regulation of Scenic Corridors in Rural Areas

a. Apply the policies of the Scenic Road Element of the County General Plan.

b. Apply Section 6325.1 (Primary Scenic Resources Areas Criteria) of the Resource Management (RM) Zoning District as specific regulations protecting Scenic Corridors in the Coastal Zone.

c. Apply the Rural Design Policies of the LCP.

d. Apply the Policies for Landforms and Vegetative Forms of the LCP.

e. Require a minimum setback of 100 feet from the right-of-way line, and greater where possible; however, permit a 50-foot setback when sufficient screening is provided to shield the structure from public view.

f. Continue applying special regulations for the Skyline Boulevard and Cabrillo Highway State Scenic Corridors.

Implementation Plan

SECTION 6102.3 AGRICULTURE. The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, or animal husbandry.

SECTION 6102.51.3 LIVESTOCK. Domestic animals, excluding dogs and cats, that are customarily kept for productive home use or for profit, including, but not limited to, cows, sheep, pigs, or goats.

SECTION 6325. SUPPLEMENTARY REVIEW CRITERIA FOR PRIMARY RESOURCE AREAS.

These supplementary review criteria shall apply to developments that fall within Primary Resource Areas as designated or defined in the Conservation and Open Space Element of the San Mateo County General Plan. These criteria are in addition to all other Development Permit Review Criteria.

SECTION 6325.1 PRIMARY SCENIC RESOURCES AREAS CRITERIA.

The following criteria shall apply within Scenic Corridors and other Primary Scenic Resource Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

(a) Public views within and from Scenic Corridors shall be protected and enhanced, and development shall not be allowed to significantly obscure, detract from, or negatively affect the quality of these views. Vegetative screening or setbacks may be used to mitigate such impacts...

(c) Within a corridor, pathway pavements should be colored or selected to blend in with the surrounding landscape...

(e) Curved approaches to Scenic Corridors shall be used in conjunction with native planting to screen access roads from view. Additional planting may be required where existing planting is considered insufficient. Planting shall be placed so that it does not constitute a safety hazard.

(f) The number of access roads to a Scenic Corridor shall be minimized wherever possible. Development access roads shall be combined with the intent of minimizing intersections with scenic roads, prior to junction with a Scenic Corridor unless severely constrained by topography. Traffic loops shall be used to the maximum extent possible so that dead-end roads may be minimized.

(g) Colors and plant materials shall be selected as necessary to minimize visual impact of development upon Scenic Corridors.

(h) Selective clearing of vegetation which allows the display of important public views may be permitted.

(i) Scenic Corridor development should include vista points and roadside rests which provide an opportunity to view scenic amenities and natural features.

(k) No development, with the exception of agricultural uses, shall be permitted on grass and/or brush land in Scenic Areas unless such development will be screened effectively from existing or proposed public viewing areas of Scenic Corridors…

(m) No development shall be permitted to obstruct or significantly detract from views of any Scenic Area or Landscape Feature from a Scenic Corridor.

(n) Screening as required under this section should not consist of solid fencing, rather it should be of natural materials of the area, preferably natural vegetation in conjunction with low earth berms.

SECTION 6328.3 DEFINITIONS…

(h) "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lots splits, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan, submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

SECTION 6328.5. EXEMPTIONS. The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permit are unaffected by this Section.

(a) The maintenance, alteration, or addition to existing single-family dwellings; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:

(1) Improvements to a single-family structure on a beach, wetland or seaward of the mean high tide line.

(2) Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 50 feet of the edge of a coastal bluff.

(3) The expansion or construction of water wells or septic systems.

(4) On property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in scenic road corridors, an improvement that would result in an increase of 10% or more of internal floor area of an existing structure, the construction of an additional story (including lofts) in an existing structure, and/or any significant non-attached structure such as garages, fences, shoreline protective works, docks or trees.

(5) In areas determined to have critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:

(1) Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, or similar shoreline work that involves:

a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

b) The placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal water, streams, wetlands, estuaries and lakes or on a shoreline protective work;

c) The replacement of 20% or more of the materials of an existing structure with materials of a different kind; or

d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.

(2) The replacement of 50% or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership.

SECTION 6351. DEFINITIONS. For the purposes of this Chapter, certain terms used herein are defined as follows:

F. Non-Residential Development Customarily Considered Accessory to Agricultural Uses
Barns, storage/equipment sheds, stables for farm animals, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purposes, and other similar uses determined to be appropriate by the Planning Director.

SECTION 6353. USES PERMITTED SUBJECT TO THE ISSUANCE OF A PLANNED AGRICULTURAL PERMIT. The following uses are permitted in the PAD subject to the issuance of a Planned Agricultural Permit, which shall be issued in accordance with the criteria set forth in Section 6355 of this Ordinance.

Applications for Planned Agricultural Permits shall be made to the County Planning Commission and shall be considered in accordance with the procedures prescribed by the San Mateo County Zoning Ordinance for the issuance of use permits and shall be subject to the same fees prescribed therefore.

A. On Prime Agricultural Lands

1. Single-family residences.

2. Farm labor housing

3. Public recreation/shoreline access trail (see Section 6355D.2).

4. Non-soil dependent greenhouses and nurseries if no alternative building site on the parcel exists.

5. Onshore oil and gas exploration, production, and minimum necessary related storage subject to the issuance of an oil well permit, except that no wells shall be located on prime soils.

6. Uses ancillary to agriculture.

7. Permanent roadstands for the sale of produce, providing that the amount of prime agricultural land converted does not exceed one-quarter (1/4) acre, and subject to the findings required for the approval of use permits established in Section 6503 of the San Mateo County Zoning Ordinance.

8. Facilities for the processing, storing, packaging, and shipping of agricultural products.

9. Commercial woodlots and temporary storage of logs.

B. <u>On Lands Suitable for Agriculture and Other Lands</u>

1. Single-family residences.

2. Farm labor housing.

3. Multi-family residences if for affordable housing.

4. Public recreation/shoreline access trail (see Section 6355D.3 and 4).

5. Schools.

6. Fire stations.

7. Commercial recreation.

8. Aquacultural activities.

9. Wineries, subject to the findings required for the approval of use permits established in Section 6503 of the San Mateo County Zoning Ordinance.

10. Timber harvesting, commercial woodlots subject to the issuance of a timber harvesting permit, and storage of logs.

11. Onshore oil and gas exploration, production, and storage subject to the issuance of an oil well permit.

12. Facilities for the processing, storing, packaging, and shipping of agricultural products.

13. Uses ancillary to agriculture.

14. Kennels or catteries, subject to a kennel/cattery permit.

15. Scientific/technical research and test facilities, provided a Planned Agricultural Permit shall only be issued for this use upon the following findings…

16. Permanent roadstands for the sale of produce, subject to the findings required for the approval of use permits established in Section 6503 of the San Mateo County Zoning Ordinance.

SECTION 6355. SUBSTANTIVE CRITERIA FOR ISSUANCE OF A PLANNED AGRICULTURAL PERMIT. It shall be the responsibility of an applicant for a Planned Agricultural Permit to provide factual evidence which demonstrates that any proposed land division or conversion of land from an agricultural use will result in uses which are consistent with the purpose of the Planned Agricultural District, as set forth in Section 6350. In addition, each application for a division or conversion of land shall be approved only if found consistent with the following criteria:

D. Criteria for the Conversion of Prime Agricultural Lands

1. General Criteria

Prime Agricultural Land within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless it can be demonstrated that:

a. No alternative site exists on the parcel for the use,

b. Clearly defined buffer areas are provided between agricultural and non-agricultural uses,

c. The productivity of an adjacent agricultural land will not be diminished, and

d. Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

F. Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met:

1. All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and

2. Continued or renewed agricultural use of soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account

economic, environmental, social, and technological factors (Section 30108 of the Coastal Act), and

3. Clearly defined buffer areas are developed between agricultural and non-agricultural uses, and

4. The productivity of any adjacent agricultural lands is diminished, including the ability of the land to sustain dry farming or animal grazing, and

5. Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and

For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions 3, 4, and 5 of this subsection are satisfied.

SECTION 6356. MAXIMUM DENSITY OF DEVELOPMENT. In the Planned Agricultural District, for purposes of determining the maximum total number of density credits accumulated on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this Section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this Section. If the fractional portion of the number of density credits allowed is equal to or greater than .5, the total number of density credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

In order to equate the density accrued for different uses permitted in the PAD, one density credit shall equal 630 gallons/day of water for Public and Commercial Recreation uses, and 315 gallons/day of water for all other uses. For the purposes of this ordinance, a single-family dwelling shall be deemed to use 315 gallons per day. Any uses requiring more than 630 or 315 gallons/ day of water shall consume the number of additional whole credits needed. Water use shall be calculated based upon the best available information and shall include all appurtenant uses, e.g., landscaping, swimming pools, etc. When a Master Land Division Plan is approved, more than one density credit may be assigned to a new non-agricultural parcel if the number of permitted divisions is reduced accordingly; however, only one credit may be assigned to a new agricultural parcel.

The provisions of this Section will not apply to agriculture, farm labor housing, or affordable housing to the extent authorized in Policy 3.27 of the Local Coastal Program on March 25, 1986, or other structures considered to be accessory to agriculture under the same ownership.

A. Prime Agricultural Lands

One density credit for that portion of a parcel which is Prime Agricultural Land as defined in Section 6351. For parcels with less than 160 acres of such land, density accumulation is proportioned on the basis of one credit per 160 acres (i.e., shall be that fraction of one density credit which equals the number of acres of prime land divided by 160).

B. Lands with Landslide Susceptibility

One density credit for that portion of a parcel which lies within any of the three least stable categories (categories V, VI, and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County," or its current replacement. For parcels with less than 160 acres of such land, density credits shall be proportioned on the basis of one credit per 160 acres.

C. Land with Slope 50% or Greater

One density credit for that portion of a parcel which has a slope 50% or greater. For parcels with less than 160 acres of such land, density credits shall be proportioned on the basis of I credit per 160 acres.

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 112 mile from a public road that was an existing, all-weather, through public road before the County Local Coastal Program was initially certified in November, 1980.

E. Land With Slope 30% But Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope in excess of 30% but less than 50%.

F. Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement.

G. Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100 year flood plain as most recently defined by the Federal Emergency Management Agency, the U.S. Geologic Survey, or the U.S. Army Corps of Engineers.

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30%.

I. Land Within Agricultural Preserves or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a-parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the adopted Resource Conservation Area Density Matrix policy.

J. All Other Lands

One density credit per 40 acres for that portion of a parcel not within the above areas.

If the same portion of a parcel is covered by two or more of the subsections A. and J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

SECTION 6358. MAXIMUM HEIGHT OF STRUCTURES. In the Planned Agricultural District, no residential or commercial structure shall exceed three stories or 36 feet in height, except as allowed by use permit provisions in Chapter 22, Article 2, Section 6405, of the San Mateo County Ordinance Code.

SECTION 6359. MINIMUM YARDS. In the absence of more restrictive provisions within this Ordinance, the minimum yards required in the Planned Agricultural District shall be as follows:

A. Agricultural Development

Front: 30 feet
Side: 20 feet
Rear: 20 feet

B. Non-agricultural Development

Front: 50 feet
Side: 20 feet
Rear: 20 feet

SAN MATEO COUNTY GENERAL PLAN

The following policies of the Scenic Road Element of the San Mateo County General Plan are incorporated in the LCP by reference in LUP Policy 8.31a.

4.46 Regulation of Development in Scenic Corridors

Institute special controls to regulate both site and architectural design of structures located within rural scenic corridors in order to protect and enhance the visual quality of select rural landscapes.

4.47 Topography and Vegetation

Design structures which conform to the natural topography and blend rather than conflict with the natural vegetation.

4.48 Scale

Design structures which are compatible in size and scale with their building site and surrounding environment, including adjacent man-made or natural features.

4.58 Views

To the extent practicable, locate development in scenic corridors so it does not obstruct views from scenic roads or disrupt the visual harmony of the natural landscape.